



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

AGENDA

CITY COUNCIL – REGULAR MEETING

Troutdale City Hall - Council Chambers
219 E. Historic Columbia River Hwy. (Lower Level, Rear Entrance)
Troutdale, OR 97060-2078

Tuesday, October 25, 2016 – 7:00PM

Mayor

Doug Daoust

City Council

David Ripma

Corey Brooks

Larry Morgan

Glenn White

Rich Allen

John Wilson

City Manager

Craig Ward

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.

2. CONSENT AGENDA:

2.1 MINUTES: September 13, 2016 Regular Meeting and September 27, 2016 Regular Meeting.

2.2 RESOLUTION: A resolution approving the First Amendment to the Lease Agreement with T-Mobile West LLC for the Use of Reservoir #2 as a PCS Site.

2.3 RESOLUTION: A resolution authorizing the Mayor to execute an Intergovernmental Agreement with the Port of Portland for the warranty of the public improvements associated with the Troutdale Reynolds Industrial Park Phase II.

2.4 REPORT: Annual Status Report All City Facilities.

3. PROCLAMATION: Red Ribbon Week – October 23 – 31, 2016

Mayor Daoust

4. PUBLIC COMMENT: Public comment is limited to comments on non-agenda items. *Remarks shall be limited to 5 minutes for each speaker unless a different time is allowed by the Mayor. The Mayor and Council should avoid immediate and protracted response to citizen comments.*

5. REPORT: Levee Ready Columbia status report.

Dan Vizzini, Oregon Solutions Team

6. PUBLIC HEARING / ORDINANCE (Introduced 9/25/16): An ordinance amending section 1.04.010 – Definitions of the Troutdale Municipal Code to include definitions for Police which recognize contracted police services.

Sarah Skroch, City Recorder

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7. **PUBLIC HEARING / ORDINANCE (Introduced 9/25/16):** An ordinance amending Chapter 12.03 of the Troutdale Municipal Code, Water System.
Steve Gaschler, Public Works Director

8. **PUBLIC HEARING / RESOLUTION:** A resolution approving the annexation of approximately 2 acres of real property (Land Use File No. 16-014 Holder Tract Annexation) and adopting findings.
Chris Damgen, Planning Director

9. **PUBLIC HEARING / RESOLUTION:** A resolution approving the Procedures for the Recruitment and Selection of the City Manager in compliance with ORS 192.660(7)(d).
Erich Mueller, Finance Director

10. **STAFF COMMUNICATIONS**

11. **COUNCIL COMMUNICATIONS**

12. **ADJOURN**


Doug Daoust, Mayor

Dated: 10/19/2016

City Council Regular Meetings will be replayed on Comcast Cable Channel 30 and Frontier Communications Channel 38 on the weekend following the meeting - Saturday at 2:30pm and Sunday at 9:00pm.

Further information and copies of agenda packets are available at: Troutdale City Hall, 219 E. Historic Columbia River Hwy. Monday through Friday, 8:00 a.m. - 5:00 p.m.; on our Web Page www.troutdaleoregon.gov or call Sarah Skroch, City Recorder at 503-674-7258.

The meeting location is wheelchair accessible. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to: Sarah Skroch, City Recorder 503-674-7258.

DRAFT

MINUTES

Troutdale City Council – Regular Meeting
Troutdale City Hall – Council Chambers
219 E. Historic Columbia River Hwy.
Troutdale, OR 97060

Tuesday, September 13, 2016 – 7:00PM

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.

Mayor Daoust called the meeting to order at 7:01pm.

PRESENT: Mayor Daoust, Councilor Ripma, Councilor Morgan, Councilor White, Councilor Allen and Councilor Wilson.

ABSENT: Councilor Brooks (excused).

STAFF: Craig Ward, City Manager; Ed Trompke, City Attorney; Saran Skroch, City Recorder and Chris Damgen, Planning Director.

GUESTS: See Attached List.

Craig Ward states there are no amendments to the agenda.

2. CONSENT AGENDA:

2.1 MINUTES: February 9, 2016 City Council Regular Meeting, February 23, 2016 Joint City Council & Troutdale Solid Waste Community Enhancement Program Advisory Committee Regular Meeting, May 24, 2016 Regular Meeting and June 28, 2016 Regular Meeting.

MOTION: Councilor Wilson moved to approve the Consent Agenda. Seconded by Councilor Morgan. The motion passed unanimously 6-0.

3. PUBLIC COMMENT:

Sharon Ezzell, Troutdale resident, states I have some comments regarding the last meeting that we had. There was a lot of discussion at the beginning of the meeting on agenda item 2.4 which was regarding Councilor Morgan filling in as the alternate on the MPAC Committee. I listened to the comments again this afternoon before I came tonight because the whole comments and the way they were battled back and forth concerned me because it would've seemed to be a real simple thing to have just done consent by having a vote. Mayor Daoust, I understand that according to the policy that Mr. Trompke read and said that Troutdale does not have to do that and evidently you have the ability or authority to appoint. I understand that and I don't necessarily have a problem with that however I do believe that if another agency has the policy that there has to be a vote then that should override what Troutdale's policy is because to me that makes it sound like we're holding ourselves to a different standard than any other agency or City. I don't feel

TROUTDALE CITY COUNCIL MINUTES – September 13, 2016

EXHIBIT A – Rights-of-Way at the Troutdale Elementary School site PowerPoint Presentation by Chris Damgen

EXHIBIT B – Flood Hazard Analysis PowerPoint Presentation by Dr. Wayne Huber

that that's correct. I think that we need to fit in with everybody else. Towards the end of the discussion Councilor Ripma said, "Well, let's just solve this. Let's have a vote". Mayor Daoust, you got very upset by that and said we shouldn't be pushing a rope up a hill. I feel like the vote should have happened. I'm not saying Councilor Morgan shouldn't be on the committee. It was just the way it was done that I have a little bit of a problem with. The other thing that was said, a comment that was made throughout that discussion, came from Councilor Wilson. You made a comment, and I quote, "Well, I guess this is the way it's going to be through November, Doug". I realize that this is the political time of year where there is several of you that are running. This particular building right here in this room when we're having meetings is not the forum to bring forth political comments. This is a Council Chamber and you are all here to conduct business for the City. Those kind of comments should not be made. At the time the comment was made there was gasping from the audience and actually, Councilor Wilson, you kind of looked at us like, what? I personally felt that was a comment that maybe didn't necessarily need to be made. The other comment I would like to make is when we have a Councilor absent such as Councilor Brooks is this evening, when you say that he is excused, Mayor Daoust, for me personally, I would like to know what that excuse is. I know we don't have to know but I think it would be nice to know why.

Ken Anderton, Portland resident, states I also represent the Port of Portland here. I'm the Program Manager of the Troutdale Reynolds Industrial Park. I have a brief comment and request for the Mayor and Council to consider. We are nearing completion of Phase II construction at TRIP. As part of our transition we've been looking at the Municipal Code in terms of what areas would be helpful for making a better development for our industrial customers. One area that we have come across, which was an issue with the FedEx development, is the requirement that you can only have 25 foot high limitations on lighting poles. FedEx had to go in for a variance for 40 to 50 feet. My simple request is that Council or Planning Commission consider changing the ordinance around the TRIP and freeway area for both industrial and commercial properties to explore changing the height of the poles to 40 to 50 foot height.

Sam Barnett, Troutdale resident, states Mr. Mayor, I respect and understand your reasoning for not running for Mayor again and I thank you for the service you've given to the City of Troutdale. It's not an easy job. I respect that you took it on. I wish you the best of luck. I understand that you want to consult and be a part of the process in the future but to do that you're going to need to be completely open minded and see eye to eye with our next Mayor, Rich Allen. That probably won't be easy due to the history but I hope that you find a way. Councilor Wilson, it was quite a cute letter you wrote to the Outlook throwing Councilor's Allen, White and Ripma under the bus for leaning towards something other than wood for the new playground structure at Imagination Station. While you shared the same sentiment as recently as Summerfest when we discussed the subject I stated that I'm a supporter of wood while you advised that there's too much maintenance involved and how much has been spent over the years on maintenance with wood. Further you advised that the Mayor take wood completely off of the table. You were clearly at that time in favor of composite wood when we spoke at the finish line of the parade. You did your own research to see where the public opinion stood and we said that the opinion was overwhelmingly wood. Then you jump on the public bandwagon for wood.

So there's 3 relative factors here. You seemingly flip flopped to public opinion. You conducted a semi-public survey without the guidance of the Council or the Parks Advisory Committee (PAC). I think this should have been considered and conducted by the local parties involved, the Council and the PAC. If it wasn't already, Councilor Wilson, your part in the Outlook totally confirmed and turned the rebuild of Imagination Station into a political issue. You did that on your own. This should not be a political issue. Your intentions are equally questionable. I assume you're campaigning for Casey Ryan over Rich Allen, our next Mayor. It seems that way and that's okay. I want you all to know that it's okay to agree with each other at these Council meetings.

Councilor Wilson states I feel that you are totally wrong with what you said about me. I feel that the article was written because the PAC had decided that it should not be wood. Everybody is saying that they're listening to everybody but wood was off the table. I didn't throw anybody under the bus.

Ryan McNaughton, Troutdale resident, states I agree with most of the public comment from everybody. You cannot say that it hasn't been politicized because it has. There were some attacks in the paper and I believe they were completely unfair. I worked extremely hard with others on this and very closely with others. And they were attacked in that article. There's no agenda in the PAC and we looked at everything. We looked at everything given to us and we gave a recommendation. It's been highly politicized and that's disappointing to me. There were articles and the Facebook posts asking people to come to these meetings. Nobody showed up to any of them. They write posts on Facebook but they don't participate in the process. I don't believe a social media post is the same as attending a meeting and participating in the process.

Zane Sparling, Gresham Outlook, states I wanted to clarify one thing. I think Councilor Wilson, as you guys know, is an employee of the Pamplin Media Group. He left a comment on an article that I wrote asking, what do you think about the playground and what should it be built with? He did not share that comment on Facebook. It was shared on the Gresham Outlook's Facebook page by the social media department. I think calling it an informal poll is not the most accurate description.

4. PUBLIC HEARING / ORDINANCE (Introduction): An ordinance vacating segments of SE Kibling Avenue and SE 7th Street rights-of-way at the Troutdale Elementary School site.

Chris Damgen, Planning Director, states we will be giving a presentation and you are welcome to ask any questions. I would ask that you save them until the end of the presentation and we'll do our best to answer those questions. This is the Troutdale Elementary School property and it is located at 648 SE Harlow Ave.

Chris Damgen showed the Council a PowerPoint Presentation which outlined the overview for the ordinance vacating segments of SE Kibling Avenue and SE 7th Street rights-of-way at the Troutdale Elementary School site. (Attached as Exhibit A to these minutes).

Councilor Allen asks, for Ed Trompke, is there a conflict here because I'm on the School Advisory Committee?

Ed Trompke responds if there were a conflict you're disclosing it at the right time.

Councilor Ripma asks, do both the findings have to be met in order to approve?

Chris Damgen responds that is correct.

Councilor Ripma states it says that the land goes to the adjacent landowners. Is that the school district entirely for the whole thing?

Chris Damgen responds if you're talking about real property, yes all 4 quadrants of that are school owned property.

Councilor Ripma asks, the school district would get it all?

Chris Damgen responds everything in the red, yes.

Councilor Ripma states when 6th Street was vacated in the 1980s, did they observe a public utility right-of-way along that yellow line?

Chris Damgen responds the horizontal yellow line shows the property boundary. I don't believe there was any easement reserved for that area.

Councilor Ripma asks, where would it go on the red? Down the middle?

Chris Damgen responds no, the area is basically whenever the red area touches the thicker yellow lines. Strictly peripheral easements off the thicker yellow line.

Councilor Ripma asks, does the fact that they weren't vacated back when in any way give the school some sort of right to continuing non-conforming use?

Ed Trompke responds no. It's a pretty common problem especially with public entities like schools. Back in the day people didn't bother to vacate the rights-of-way.

Chris Damgen states regardless of the current building or the future building, it is a non-conforming situation for all the properties. It needs to be cleaned up in order for us to accept an application.

Councilor Ripma states I'm wondering why. Vacating a right-of-way is giving away something that belongs to the citizens of Troutdale and it shouldn't be done lightly. I want to make sure we've explored all the options. Why do we have to give up City owned property to them before they can apply for the school?

Ed Trompke states lawfully the property belongs to the school district. The City only has the right-of-way. All this does is vacate the right to use the surface for public use.

Councilor Morgan states consistent with what Councilor Allen said, I'm unfamiliar with the type IV quasi-judicial. I advocated for the bond. We have talked about the right-of-way so I don't know if declaring that conflict or potential conflict is being neutral to this decision.

Ed Trompke responds you disclosed the contact. That's what is needed.

Councilor Morgan asks, do we know the life expectancy or the life of the building when we talk about future development? Is it a 50 year building or 70 year building?

Chris Damgen responds I'll defer it to the school district to clarify that.

Councilor Allen states when I look at the condition of the building I think about staff and our children being in it and it makes me nervous about delaying the project. Is that what would be the cause and effect if this is not removed?

Chris Damgen responds I'll let the school district talk about their timeline. My understanding is based on our conversations with them on their land use application for site design, it's pretty tight. I think there could be a risk but I'll let them disclose it.

Councilor White states I watched the Planning Commission meeting and one of the points was that there was value to that right-of-way. What's your opinion on that?

Chris Damgen responds I would say that if you have a right-of-way that you are planning future capital improvements on, absolutely. If you look at how close Kibling is to Sandy Avenue, that alignment, even if you were to preserve that right-of-way it could not be effectively utilized because of the terrain and how close it is to the cliff. I think it's a perfectly legitimate and fair request to evaluate it from a fiscal standpoint. This is an uncommon situation.

Councilor White states I appreciate your thoroughness. Good presentation.

Mayor Daoust states I think since the Planning Department and Public Works didn't have a problem with this at all, it's pretty clear that there's no infrastructure there existing right now. And there's no infrastructure planned for the future. That's pretty clear. Thank you.

Mayor Daoust opens the public hearing for the applicants at 7:52pm.

Glenn Schnaidt, Project Manager, DayCPM Services, states I wanted to address some of the questions regarding the proposed new school building. As Chris mentioned, the new school is planned for the area that's shaded in yellow. The area below that where the existing facility is right now will be used for play fields, parking and drop off areas for parents for a safe location. The existing Troutdale Elementary School was constructed nearly 90 years ago and it's showing its age. Although the facility continues to serve as a neighborhood and community hub for kindergarten through 5th grade education, after school activities and other public events the District's master plan calls for the structures replacement. In 2015 voters within the Reynolds School District passed Measure 26-164

authorizing the District to construct 3 new replacement elementary schools and numerous other capital projects. Among the new schools to be constructed is Troutdale Elementary School. Reynolds School District has made a good faith effort to keep the Troutdale community informed and engaged with the planning and design process with current updates on its website and extensive community outreach program. Throughout the course of the new schools planning phases, the District has reached out to the public on several occasions for community planning sessions. Public and staff were invited to each session. Enthusiasm and support were high at these meetings and at no time were any protests to the new construction made. Many of the public's comments solicited from these meetings were incorporated into the building's design. Community connection with the natural beauty of the Columbia Gorge and Sandy River has served as the design inspiration for the new replacement school. The District is committed to replacing the Troutdale Elementary School however funding to purchase new property for this school was not included in the budget should the street vacation request not be passed. Reynolds School District respectfully requests that the Troutdale City Council approve the vacations of SE 7th Street and SE Kibling Street to ensure that students from many generations to come will benefit from this community wide project.

Rachel Hopper, Chief Financial and Operations Officer, Reynolds School District, states we appreciate this opportunity to have this hearing as well as the conversations that have happened thus far. In terms of life expectancy of the building, it's been 90 years since the building was built. We have another school that is over 100 years old. We believe we're building a school that could withstand the test of time for at least 90 to 100 years. The intent is for the property to continue to be used as school property. It's a very tight site and with the slope to the east it makes it difficult and not all the property is developable. For us we need every inch of that property to be able to develop what we need to.

Councilor Allen asks, is there an earthquake resistance difference between the old and new school?

Rachel Hopper responds absolutely. As part of the master plan process that was completed the reason that Troutdale is one of the 3 elementary schools that is going to be replaced is because after seismic testing was completed it was identified as a 100% collapse rate.

Councilor Allen asks, if we don't vacate these right-of-ways does it affect your timeline to build a new school?

Rachel Hopper responds yes, based on the way the code is written.

Councilor White states one thing I've noticed about new schools versus older ones is the amount of windows that children have in their classrooms. I think it's important for kids to have access to nature. They're almost built like jail cells now.

Rachel Hopper responds one of the grand features is this open space that overlooks to the east towards the Sandy River with natural lighting.

Public hearing open to public comment at 8:03pm.

Sharon Ezell, Troutdale resident, states as a parent of a 9 year old 4th grader at Troutdale and as a handicap parent I am very in favor of the new school being built. I would highly recommend that you all approve this vacation. As a handicapped person you all know Troutdale was built many years ago and is not handicap accessible as far as getting in and out of the building. What they have done to make it handicap accessible is they have installed little lifts that will take you downstairs and back up. But in order to get to those lifts you have to walk the length of the building, go into the gymnasium door, go to the first set of stairs and then take the lift. There are so many reasons why Troutdale needs to be rebuilt and I say go for it. Thank you.

Mayor Daoust closes the public hearing at 8:06.

Mayor Daoust calls for a break at 8:08pm.

Mayor Daoust calls the meeting back to order at 8:21pm.

5. REPORT: Flood hazard analysis presentation.

Chris Damgen states I would like to make note of the new map that is on the wall along with a corresponding table (a copy of the map and table can be found in the meeting packet). That map will be supplemental to some of the items Dr. Huber will be discussing tonight and it shows basically where in the past 20 years the City's had letters of map change which may or may not affect the flood maps that pertain to Troutdale. The other thing I want to emphasize in tonight's presentation is a technical analysis of the draft Flood Insurance Rate Map (FIRM). The map that is on display shows the current, or the effective, flood map. If there is any members of the Council or citizens who have any questions about their situation, staff will be available after the meeting to answer those questions.

Dr. Wayne Huber, Ph. D., PE (FL), Oregon State University, states I want to acknowledge the fact that several people in this room helped me tonight and I acknowledge these people in my report in tab 5 of the council binder. Especially Chris Damgen.

Dr. Huber showed the Council a PowerPoint Presentation on the flood hazard analysis. (Attached as Exhibit B to these minutes).

Councilor White states I saw in your presentation that you compared this new mapping to the adopted panel map in 2009. I was assuming we were still using the 1988 panel map.

Dr. Huber responds the 1988 panel map is exactly the same as 2009 but it stops at the corporate limits that existed in 1988. There is a table in the report which shows the extent of that. What happened in 2009 was that the study was extended upstream.

Councilor White asks, how was that 2009 map able to be adopted without the public process?

Dr. Huber responds I don't know.

Councilor White states I wanted to thank you. Ed Trompke explained to me that you caught a mistake that was in the floodplain map concerning the TRIP property where they weren't aware of a pump station that existed down there. You saved a big section of land from being possibly labeled as flood plain.

Councilor Allen asks, you worked with the affected property owners?

Dr. Huber responds no I don't. The City does.

Chris Damgen states our level of working with them was notifying when FEMA had their public meeting, notifying them at the time the draft maps came out in late March, we sent notifications out and we also sent very recently a packet of information as part of the annual activity we knew from the community rating system program which included a postcard about this presentation this evening.

Councilor Allen asks, can we make this information available to them? And actively share with the public?

Chris Damgen responds sure.

Councilor White asks, if a property owner has photographic evidence of where the water level was, how much weight does that carry with FEMA? For some people that's all the scientific information they have.

Dr. Huber responds I doubt that it carries very much. It's significant to the property owner but I don't think it contributes to the basis for an appeal. I can't say for sure.

Councilor White asks, were you able to figure out what caused the rise downstream that's going to effect the RV Park?

Dr. Huber responds I believe it was the crossing at the bridge. It's probably a new survey at the Union Pacific Railroad Bridge. There is quite a drop underneath that bridge.

Councilor White states that's a shame. I know RV parks are typically placeholders until an area becomes more desirable and they usually redevelop into something that pays more taxes. It is such prime land and I hate to see it go in the water.

Dr. Huber states the only thing I could suggest is a survey.

Councilor Ripma states the orange area up there, you were saying orange is bad and more likely to flood.

Dr. Huber responds yes.

Councilor Ripma asks, did all the areas in Troutdale that were A change to AE?

Dr. Huber responds yes all along the Sandy River. It's better because it's cheaper insurance.

Councilor White states, question to Chris, I would like a follow up answer to how that 2009 map was adopted without any public process. I know we have additional regulation that's lowered the flood insurance premium by 15%. Did any of those regulations effect how the floodplain is calculated?

Chris Damgen responds we will get back to you on those questions.

Councilor Allen asks, will anybody check the final maps that come out to make sure that the changes that should be made are in fact made?

Chris Damgen responds yes, typically FEMA will release the intended final draft, take in the information it receives in an appeal process, produce a final draft, and then at a period thereafter establishes it and makes it effective.

6. RESOLUTION: A resolution authorizing a City Official to negotiate and execute an agreement for professional recruitment services for the City Manager position.

Erich Mueller, Finance Director, states this is a follow up to a process in which Council will direct the staff to move forward with proposals for a recruitment for a successor City Manager. We received 5 responses and 3 of them were from firms that I'm not familiar with and 2 were well known firms of Prothman and Waldron. Council can choose to not make a selection if they decide they want to talk about it more. We should award not necessarily to lowest proposal but best fit.

Councilor Ripma states I thought the RFP was very good. I was initially attracted to Exhibit B because they had a lower fee and they had a cap on it. In the end I liked Prothman, Exhibit D, and it's a better fit because of their familiarity with the Northwest and the recruiting they've done in the Northwest. Their fee also seemed to me to be comparable to the others. I think in the end Prothman struck me as the best and that is the one that I will pick. I would prefer that we go forward and not have a Work Session on it. We all had a chance to read it.

Mayor Daoust states I agree that Council can make a selection this evening or delegate to staff to make the selection. I did go through and looked at each of the proposals and I ended up looking closer at Exhibits D and E, the Prothman Company from Issaquah, WA and Waldron from Portland. We used Waldron last time and I was around when we went through that process and it worked well. Waldron did a good job. I had the opportunity of talking to the Milwaukie Mayor about who they used and it was Waldron. They had used Prothman in an earlier selection for City Manager and I did notice that they switched from Prothman to Waldron this last time. That talked to me a little bit that Waldron has good

local experience. They've been involved with Milwaukie, Wilsonville, Salem and Sherwood. If we were to pick one tonight I personally would give the edge to Waldron, Exhibit D.

Councilor White states I'm leaning towards Prothman as well. I met the West Linn City Manager and they did a good job of finding their City Manager.

Councilor Morgan states I'm interested to see what Councilor Allen and Councilor Wilson have to say but I would make a motion for Prothman.

Councilor Allen states I'm hearing 2 senior Council people going through B, D or E with good statements. I would be willing to go with D, Prothman, myself.

Councilor Wilson states I have narrowed it down to Prothman and Waldron.

Mayor Daoust asks, does the Council wish to make a decision tonight?

MOTION: Councilor Morgan moved to approve the resolution and authorize staff to use Prothman for the City Manager position. Seconded by Councilor Ripma. The motion passed unanimously 6-0.

7. RESOLUTION: A resolution approving the real property acquisition on NE Harlow Place and authorizing a City Official to execute the transaction.

Erich Mueller, Finance Director, states this is a follow up. One that started further back in July and goes back to last fall and we've had a couple of different meetings where there were discussions about lots along the Sandy River and north of the I-84 bridge. There were discussions from a billboard company. We had a resolution in October of 2015 that the Council had before them and a public hearing regarding that. There was also a proposal that evening from the billboard company regarding 1 of the 3 lots that was under consideration under that resolution back in November of 2015. We had provided the full 74 page appraisal that was done for the 3 properties in that packet. I did provide just the relevant pages tonight. There is Exhibit A which identifies the subject property and the billboard lot is the smallest lot on there. The red dot identifies the subject property that we're speaking about tonight. Exhibit B is the real property appraisal and outlines the 3 different tax lots of 100, 200 and 300. This middle lot, tax lot 200, is appraised at \$3,300.00. In November, Council was considering acquisition of all 3 lots as part of adding to the Parks Master Plan providing connections to the 40-Mile Loop trail. These properties are immediately north of the I-84 bridge which then would tie into the trail that would run across the Urban Renewal property and on up to Depot Park. These are locations that have been identified as desirable to add to the property for the trail. It's one of the 3 parcels that we'll need to acquire to complete that section. The property is the riverside property and then the property immediately to the west of it across the road both of those parcels are currently owned by the Columbia Ridge Community Church who has entered into some form of agreement with a party to acquire that larger property for a future development. As part of that they're selling both parcels to that developer and the intent is that that developer and the broker are trying to secure the City's desire to acquire that

property upon them closing on both parcels from the church. That's part of why the timeline talks about the transaction not actually happening until April. Essentially we're committing to acquire it for that appraisal price of \$3,300.00 and it's subject to them actually acquiring the property from the church. It is somewhat contingent on that transaction occurring. They're needing the commitment from the City in order to know that they're going to be able to go forward with this overall deal that they're in. There are going to be road improvements necessary along that piece of NE Harlow related to 3 different developments that are occurring on larger lots to the west of Harlow Place. By the City acquiring this piece of property we'll also then be obligated for any representative portion share of those street improvements. The alternative would be to not acquire the property and requiring the new developer to pay for all those street improvements for both sides of it and then for the City to proceed down the path of doing condemnation after that developer has already spent considerable money doing the street improvement which of course isn't going to sit well with the developer. Effectively, I think it provides a benefit for the developer as they're moving forward with their intended project on the west side of the street and it's a benefit for the City to acquire as part of their desire to fill in the gaps for the trail.

Councilor White asks, which parcel is the one that is going to have the billboard?

Erich Mueller responds it's the smallest parcel, Tax Lot 300 in Exhibit B.

MOTION: Councilor Morgan moved to adopt the resolution approving the real property acquisition on NE Harlow Place and authorizing a City Official to execute the transaction. Seconded by Councilor Allen.

VOTE: Councilor Wilson – Yes; Councilor Ripma – Yes; Councilor Morgan – Yes; Mayor Daoust – Yes; Councilor White – Yes; and Councilor Allen – Yes.

Motion passed 6-0.

8. STAFF COMMUNICATIONS

Craig Ward, City Manager, states I have some items about scheduling. I heard there was some interest in trying to minimize the number of Council meetings from now until the end of the year. By City Code, we have to have at least one regular Council meeting a month. My hope is that you can provide the staff direction and we can then go ahead and proceed with scheduling meetings and putting the agenda items forward to the dates that the Council prefers. On a side note, I'll be attending the annual International City Manager's Conference on September 27th. That's no reason for the Council not to meet. I encourage you to meet. On October 25th we currently have scheduled an annexation action by the Council that really does need to occur on October 25th. There are statutory revisions regarding the timely acting upon this proposal.

Mayor Daoust states I looked at our schedule and I don't want to hold a Council meeting if we don't have much to discuss. I was thinking we would not want to meet on November 8th because it's election night because we all have things to do that night. If we didn't meet

on November 8th it would probably be best to meet on October 25th. I would propose to drop the September 27th meeting and drop the October 11th meeting and then have the October 25th meeting. Also drop the November 8th meeting because its election night and then pick it back up in November. I'm flexible if things come up that need our attention. We could call for a meeting.

Councilor Allen states I'm concerned about the meeting in 2 weeks because we talked about not delaying Troutdale Elementary School. I would like to know for sure that that's not going to delay the school.

Chris Damgen states the school district had intended to submit to Planning Commission their conditional use and site design review application in October. The Planning Commission would hear either on October 12th or October 26th but that schedule hasn't been set yet. Those dates have been penciled in.

Ed Trompke states it isn't final until 30 days after the action is taken on an ordinance because there is a possibility of a referendum fee circulated or petitioned by the voters. Technically it won't have gone into effect yet.

Mayor Daoust states we can have a meeting in 2 weeks.

Councilor Allen states I would prefer to meet.

Mayor Daoust states we will have the meeting 2 weeks from now and then not have meetings on October 11th and November 8th.

Craig Ward states the next meeting will be September 27th.

9. COUNCIL COMMUNICATIONS

Councilor Wilson states as most people know I work in communications and there are many different types of communications and social media is a growing venue for people to make comments, express views, run advertising and write newspaper articles. I think we as a Council have to consider all the different ways we get communication to formulate our opinions. I appreciate people coming to the meetings. A lot of times people can't make it. With that being said, on social media there are people that have had their names or family members names engraved in pieces of wood at the park (Imagination Station) who have either requested they get returned to them when or if we decide to disassemble the park or honor the structure as it is now and take those pieces of wood and make park benches out of them if possible.

Mayor Daoust states when we go out for requests and if we choose to build in a composite wood those could be re-attached to the new play structure. If the play structure will take wood.

Councilor Allen states these name plates are memories for people and we need to develop a process for those who contact us and want them back. And for those people

who don't want the plates back or we don't know if they want them. We need to figure out how to use them so those memories are still intact. We need someone in charge of developing a process. We shouldn't be collecting that information. We need somebody in the City collecting that information.

Councilor Wilson states we could decide to give them one of two options. Either return it to them, build it back into the structure or make a park bench.

Councilor Allen asks, are we all okay with that?

Council agrees.

Councilor Ripma states I understand that you, John Wilson, are the liaison to the West Columbia Gorge Chamber of Commerce (WCGCC) and have been for a while. Which is supposed to be liaison supportive between the Council and Chamber to foster good relations. The Chamber has decided to set up a political action committee (PAC) that endorses City candidates and might even support them financially and you have been supportive of that all along as an ex officio member of the Board of the Chamber which I find astonishing. Furthermore, the Chamber PAC has endorsed and the Chamber Board has voted to endorse removing all the Councilors running this time except you. You received an endorsement from them. The Chamber is free to do what they want. I'm troubled that they're getting into this. I think it's crazy. It's not in the best interest of Troutdale citizens for the Chamber to be doing this. They're supposed to be promoting business. Most of the businesses that I've talked to don't want anything to do with the election. They are just trying to make money. I think you have totally failed as our liaison and what you did was totally self-serving. You stepped down into the audience during the discussion and vote.

Councilor Wilson states the last Thursday meeting I was there for their regular meeting. As soon as they said they were going to talk about the PAC I said that I was going to step down so there wouldn't be any confusion of why I was there. I was there to support the City as an ex officio during the regular meeting. I was not there for the other. I just happened to be there. There were 3 other Councilors there which made us to have a quorum there. I was supposed to be there. The other 2 are members so they have a right to be there. But we had a fourth member that was there that showed up. I was supposed to be there. I did not support the PAC. I was at a meeting where they asked a couple of questions of me of other cities and I answered that. There was an article by Councilor Allen that was a total lie that I was there to start a government action committee. They asked me to be on it and I said that I wouldn't be on it.

Councilor Ripma states you shouldn't be on it.

Councilor Wilson states don't tell me what I should and shouldn't do. I didn't go on it.

Councilor Ripma states as our representative, the Council does have a right to say what you're supposed to do. Are you saying you did not support the idea of having a PAC and you do not accept their endorsement and you're not going to accept any money?

Councilor Allen states the Government Affairs Committee is the one that makes the suggestion. The Board is the one that approves them and the PAC is a separate entity that has a similar name. I wanted to make sure the information was correct.

Councilor Ripma states I shouldn't have used the word PAC. Are you saying you did not advocate for endorsement of candidates or consideration of endorsement of candidates by the Board of the Chamber? You don't want their endorsement?

Councilor Wilson responds I have the perfect right to get anybody's endorsement I want.

Councilor Ripma states yes you do. I'm just saying it's very self-serving of you and I would request that we eliminate the position of Council liaison or we at least vote to replace Councilor Wilson at the next Council meeting, if I have enough support for doing that. I think you have misused that responsibility.

Councilor Wilson states everybody else has had the opportunity to apply also. They elected not to.

Councilor White states you're speaking for other Councilors.

Councilor Ripma states you were the liaison and you wanted the Chamber to start endorsing candidates and you advocated for it and you were endorsed and the others that didn't go weren't endorsed.

Councilor Wilson states you weren't there.

Councilor Ripma states exactly, I shouldn't have been. Whether I was there or not, what I'm saying is true.

Councilor Wilson states that is your opinion.

Councilor Ripma states I request that we vote on a decision at the next Council meeting if there's enough support for it that we either replace John or eliminate the Council liaison to the Chamber. I'm happy to discuss both.

Councilor Allen states I believe you have the right to put that on the agenda.

Councilor Morgan states we're going into an election cycle and there's a lot of anger nationally. I know that debate and dialogue is healthy but I don't necessarily know how effective this type of debate and dialogue is. I know that we all talk about being neighbors and it's discouraging that we are at this point. I hope we get through it. At the end of the day we're going to have to come back next year in January and work together. We have a lot of things we have to get accomplished. To me it's unfortunate that the town is already this visceral and we're talking about a more optimistic future of the City.

Mayor Daoust states I didn't expect to talk about this tonight. I had a talk the other day with Ed Trompke about the PAC and maybe a position that the Council could take, should take or shouldn't take. The Chamber of Commerce has every right to set up the PAC. We all know that. A lot of Chambers have PACs in the state of Oregon and other states. It's not uncommon. Councilor Wilson has every right to accept monetary donations from anybody that's willing to give it to him. We all know that too. I think we all agree on a lot without having to argue about it. I do plan on talking with Ed Trompke to see how we can lower the tension about this particular subject when it comes to the PAC and the Chamber and their relationship with the City. Continuing on, I did have a question related to the Port of Portland's request about the height of the lights and I wanted to follow up and see how their request is going to be processed or handled. Is that something that has to go before the Planning Committee?

Craig Ward responds yes. It would require an amendment to the zoning code. We will need some direction either from the Council or the Planning Commission to entertain that as a topic.

Councilor Allen asks, what about the relationship with the airport?

Craig Ward states every development near the airport is required to get a federal permit dealing with height. That hasn't been a problem because we've had several variances requests over the years regarding this exact subject and they have gotten the federal permit to allow that.

Chris Damgen states we can add it to the Planning Commission agenda. The only thing I would add too is that we have a number of properties beyond the Port boundaries where they have existing light poles which are currently non-conforming that are over 25 feet high where there is a lot of need to replace the fixtures to more energy efficient fixtures. The Port wouldn't be the only property owner or developer that would be coming across this problem. It's a larger issue.

Councilor Ripma asks, are there other non-conforming poles in the industrial area?

Chris Damgen responds most of them are north of the railroad tracks.

Councilor Ripma states I think the change in height limit should be limited to those areas if that takes care of the problem. With that I'm all for it.

Chris Damgen states we as staff are not aware of any other locations.

Mayor Daoust states just a few things. I'm on an Urban Growth Task Force with Metro and we're talking about expansions of the Urban Growth Boundary and a new process on how to do that. We've had quite a few meetings already and our next one is September 21st. I have continually brought up Troutdale's willingness to look into expansion of our Urban Growth Boundary south of the City. It's not an easy subject and it's not a simple subject. It's very difficult to work this through Metro. I want you to know that I have brought it up numerous times.

Councilor Allen states there are property developers to the south that want to develop their property and there are others that don't want the property developed. It's going to be interesting as you go south and advocate that.

Mayor Daoust states Mt. Hood Community College is turning 50 years old and because of that they've named 50 outstanding alumni from MHCC. I don't know who else is named but I'm one and my wife Marianne is one. We're being acknowledged on September 29th at MHCC for being 2 outstanding alumni's from the college. As a reminder, September 30th is the start of the Fall Festival of the Arts. A very good festival that we have in our area.

Councilor White states I wanted to personally thank Dr. Huber for his effort. I think with the turnover we had in our Planning Department Chris really would have had his hands full. Not that he's incapable but there was a lot going on in that department with code revisions and I really appreciate their expertise and the work you did for the City of Troutdale. I would also like to address the audience. Something that's been brought up is getting a P.A. system in here. I constantly hear that it's difficult for the audience members to hear.

I got the memo from Steve Gaschler to Craig Ward saying that the cost of underground of the powerlines has gone up by \$1 million since 2015. It's no secret that PGE is not a fan of having the underground powerlines and I would like to get a little more in depth as to how could it go up \$1 million in 2 years. Is there a way we could get PGE in the room and look at this further? That was really disappointing news.

Craig Ward states I'll be happy to send along that request to Steve Gaschler and see what he can pull together.

Councilor Allen states I don't know if it's too late but we have the Heroes With Heart event coming up this weekend Saturday, September 17th at 5:00pm. It's a very worthy cause and when you need somebody there, they're there. There seems to be misunderstanding out there on the RFP for the play structure for Imagination Station. I remember from the meeting that we had that we did not actually limit the material. I wanted confirmation that that's correct.

Ed Trompke responds that's my understanding. Steve Gaschler has prepared it in drafts I think we need to review so I'll be doing that tomorrow.

10. ADJOURNMENT

**MOTION: Councilor Ripma moves to adjourn. Seconded by Councilor Morgan.
The motion passed unanimously.**

Meeting adjourned 10:02pm.

DRAFT

Doug Daoust, Mayor

Dated: _____

ATTEST:

Kenda Schlaht, Deputy City Recorder

**City Council - Regular Meeting
7:00PM**

Tuesday, September 13, 2016

PLEASE SIGN IN

[illegible]

Exhibit A

September 13, 2016 Council Meeting Minutes

16-036 Troutdale Elementary School

Vacation | Type IV Quasi-Judicial Procedure

Initial Public Hearing: Wednesday, August 24, 2016

City of Troutdale Planning Commission | City Hall

Public Hearing Procedure

1. Staff Presentation

- The Property & Applicant
- The Application
- Applicable Criteria
- Review Procedure
- Notification & Comments
- Analysis
- Decision Criteria
- Staff Recommendation & Conditions of Approval

2. Public Testimony

- Applicant
- Proponents
- Opponents
- Neutral Parties / Clarifications

3. Raising Issues

4. Requesting Additional Time

5. Close Public Hearing

Staff Presentation

The Property & Applicant

- **Location:** 648 SE Harlow Ave
- **Status:** Developed
- **Size:** 3.57 Acres (Not including ROW to be vacated)
- **Zoning:** R-5 Single Family Residential
- **Applicant:** Reynolds School District (DayCPM as consultant)



The Application

- Issue:

- School District wishes to build new facility on existing property site
- City rights-of-way (ROW) cut across existing (and proposed) facility
 - Creates a non-conformity with Code
 - Application would be denied outright

- Recourse:

- Vacate the rights-of-way, thus allowing the District the ability to apply for a site & design review



5

Applicable Criteria

City Standards

- Comprehensive Land Use Plan
- Construction Standards for Public Works Facilities
- Troutdale Development Code (TDC)
 - Ch. 1 (Introductory Provisions)
 - Ch. 2 (Procedures for Decision Making)
 - Sec. 5.300 Nonconforming Uses
 - Sec. 6.100 Vacation
 - Ch. 7 Land Division
 - Ch. 16 (Public Deliberations & Hearings)

State Standards

- Relevant provisions in the Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR)

6

Review Procedure

Type IV Quasi-Judicial Procedure

- Public Hearing
- Planning Commission review / recommendation
- **City Council is decision-making entity**

If there is an appeal...

- State Land Use Board of Appeals

Timeline

- June 16: Pre-Application conference
- August 4: Application acknowledgment
- August 4: Notice & Request for Comment sent
- August 16: Staff Report with Comments
- August 24: Planning Commission Hearing
- **September 13: City Council Hearing**

7

Notification & Comments

Agency Comments

- City of Troutdale
 - Planning
 - Public Works
- Multnomah County Sheriff's Office

No Written Response from:

- TriMet
- Mid-County Lighting District

Public Comments

- Neighboring Property Owners
 - None received
- Public Testimony (after Staff Presentation)

8

Notification & Comments

- No objections
 - Planning Department
 - Public Works Department
 - MCSO
- Most concerns to be addressed at site & design review for specific development proposals
- Nearby property owners
 - No written material
 - One comment at Planning Commission hearing to ask for clarification of the process (neutral comment)

9

Analysis

Pros

- Keeps the intended project schedule on-track allows the District to submit plans for review
- Helps to maintain community service uses in existing area as charged in:
 - Comprehensive Land Use Plan
 - Town Center Plan
- Eliminates nonconformity and cleans up property records
- Removes unused rights-of-way from City jurisdiction
 - eliminates any current or future maintenance and liability concerns

Cons

- Rights-of-Way can be difficult to obtain once vacated.
 - TDC standards though could mitigate this issue through required public improvement clauses

10

Decision Criteria [TDC 6.110]

1. The proposal does not cause a conflict with the Comprehensive Land Use Plan.

Proposed Finding: *The applicant has shown that the proposed vacation of rights-of-way would be consistent with the Comprehensive Land Use Plan. Staff has reviewed the application and has established that the application does not conflict with the goals of the Comprehensive Land Use Plan.*

2. The public interest will not be prejudiced by the vacation.

Proposed Finding: *City Staff and appropriate review entities have examined this proposed vacation, reaching a determination that the public interest will not be prejudiced by this action. City Public Works Staff have included conditions of approval that require dedication of utility easements along the property frontages to serve the public interest. Written notification of this proposed vacation has been sent to neighboring property owners and other stakeholders prior to this hearing. No comments opposing this vacation request were received from those stakeholders during the comment period.*

11

Decision Criteria [TDC 6.110]

1. The proposal does not cause a conflict with the Comprehensive Land Use Plan.

- **Staff finding: *The criterion is met***
- **Planning Commission finding: *The criterion is met***

2. The public interest will not be prejudiced by the vacation.

- **Staff finding: *The criterion is met***
- **Planning Commission finding: Unable to determine**

12

Defining Public Interest

Qualitative / Anecdotal

- Approval of Bond Measure: May 2015
 - Expectation of new school facility on site
 - Planned, engineered & budgeted for site
- Land Use (highest & best?)
 - 90 years on site as school – historic legacy
 - Community service uses contribute to strong town centers – Comp Plan, Town Center Plan
 - Little/no public knowledge of ROW existing
 - Infill demand: individual lots on existing streets with established infrastructure
- Historic precedent: 6th Street vacated
- No public testimony against application

Quantitative

- Infrastructure
 - No existing facilities or proposed future facilities in this area
 - Provisions for easements along periphery
- Fiscal Impacts / Tax Base
 - ROW preservation for alternative development interest (no competing interests to Staff's knowledge)
 - Related to land use – highest and best use?

13

Staff Recommendation

Staff recommends **approval** of this application from a land use perspective, subject to compliance with the conditions of approval as outlined here:

Planning

- Prior to building permit issuance, the applicant shall finalize the vacation procedure with the Multnomah County Surveyor's Office.

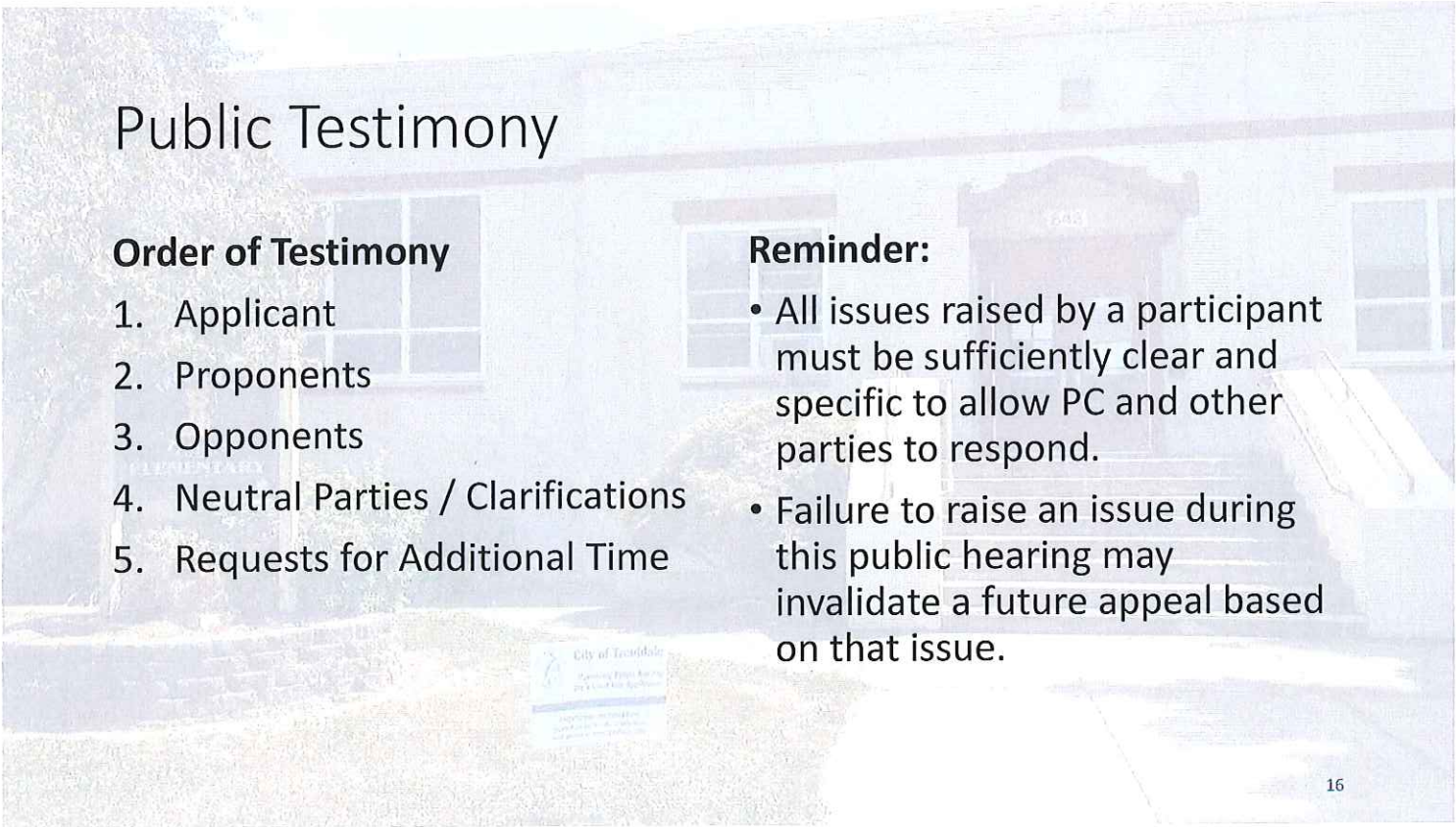
Public Works

- The applicant shall dedicate an 8' wide utility easement along the newly created property frontages within the envelope of the rights-of-way vacated.

14



Public Testimony



Public Testimony

Order of Testimony

1. Applicant
2. Proponents
3. Opponents
4. Neutral Parties / Clarifications
5. Requests for Additional Time

Reminder:

- All issues raised by a participant must be sufficiently clear and specific to allow PC and other parties to respond.
- Failure to raise an issue during this public hearing may invalidate a future appeal based on that issue.

Requesting Additional Time

- Opportunities for additional evidence or testimony
 - Continuing the public hearing to a future date
 - Leaving the record open for at least seven days
 - If record is left open, any participant may file a written request for an opportunity to respond. PC shall reopen the record to allow any person to raise new issues which relate to the new evidence

Exhibit B

September 13, 2016 Council Meeting Minutes



Technical Review of March 28, 2016 FEMA Preliminary Flood Insurance Rate Map (FIRM) of Sandy River near Troutdale, Oregon

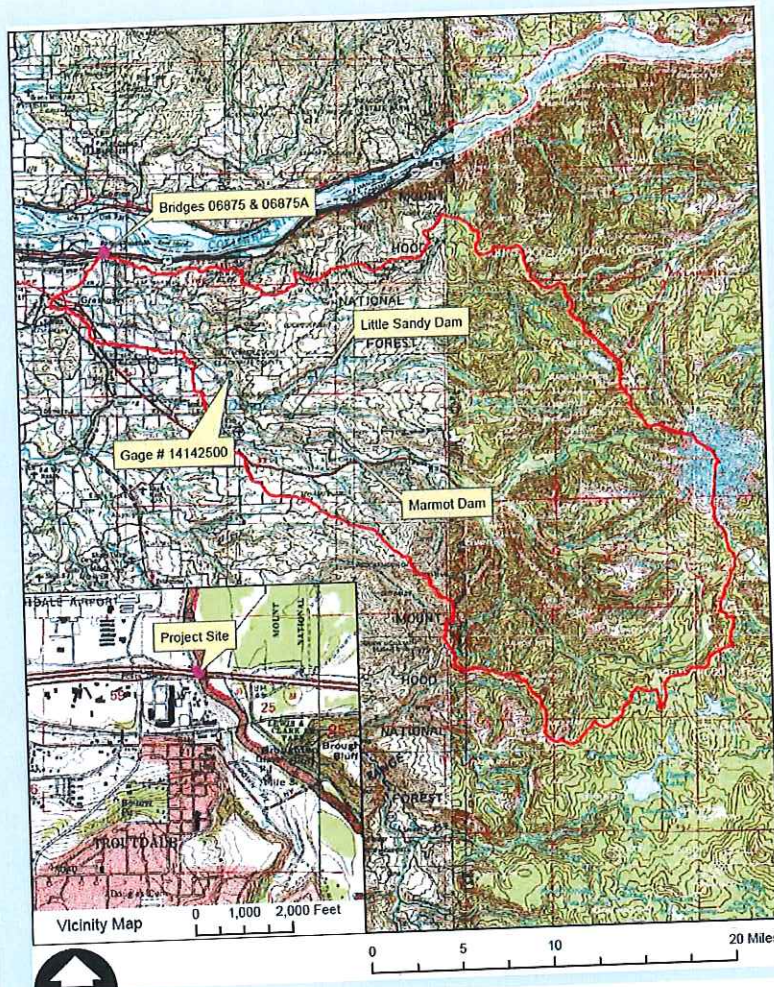
By Wayne C. Huber, Ph.D., P.E. (FL)

Presented to Troutdale City Council

September 13, 2016

Review Objectives

- Evaluate technical merits of FEMA FIRM study
- Comment on strengths and weaknesses
- Outline future steps for City and citizens
- My remarks focus primarily on the Sandy River with less time devoted to Arata Creek and Salmon Creek near I-84. This because less FEMA technical effort went into the latter areas. But Letters of Map Revision (LOMRs) important there.



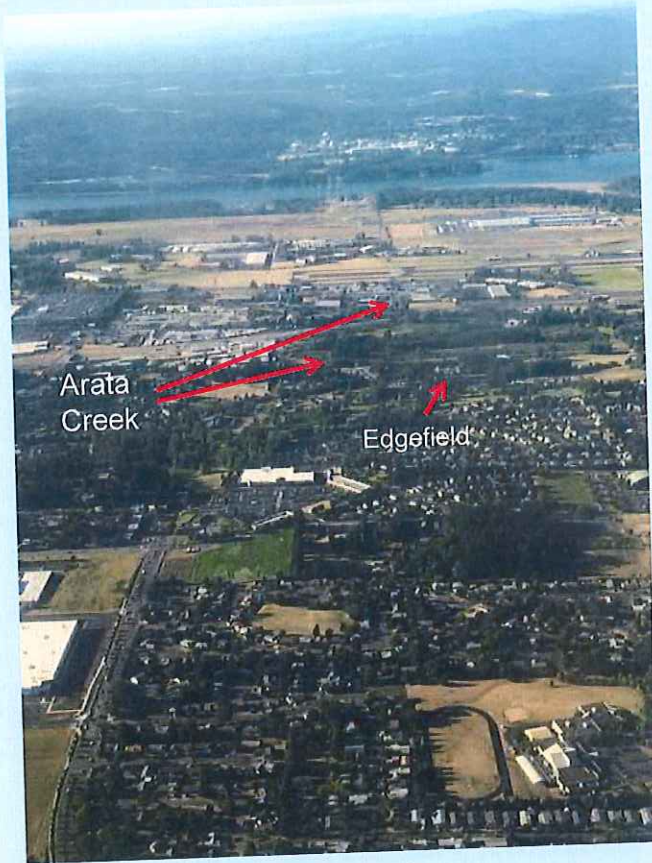
502 square mile
Sandy River
Watershed
(ODOT figure)



Please see FIRM
maps on display

Here, a few locations

See displays with
large images of
FIRM maps



Also FIRM maps for
Troutdale airport
and I-84 area.

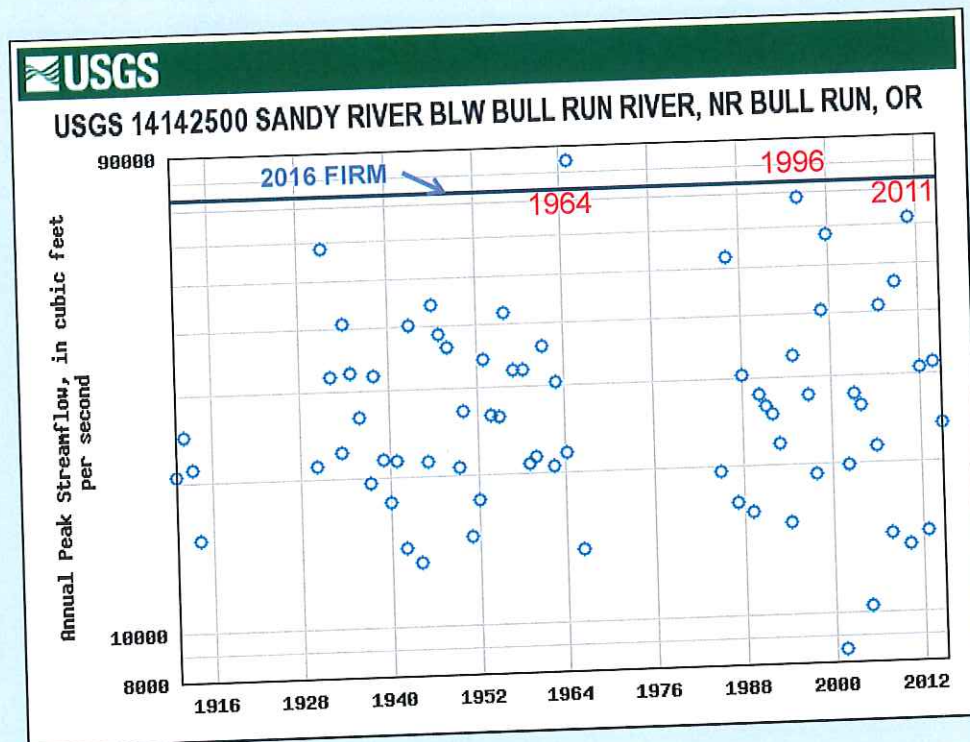
Arata Creek and
Salmon Creek subject
to flooding from local
runoff and ponding.

See Panels 216 and 217

Floodplain Definition Methods

- Hydrology
 - Identify useful (long-term) flow gages along Sandy
 - Frequency analysis to get 100-yr flood *estimate*
- Hydraulics
 - Hydraulic model = Army Corps HEC-RAS
 - Cross sections (survey) and topography (LiDAR)
 - Boundary condition downstream of I-84
 - Channel roughness adjustments
 - Minimal calibration

Sandy River, WY1911 - 2015



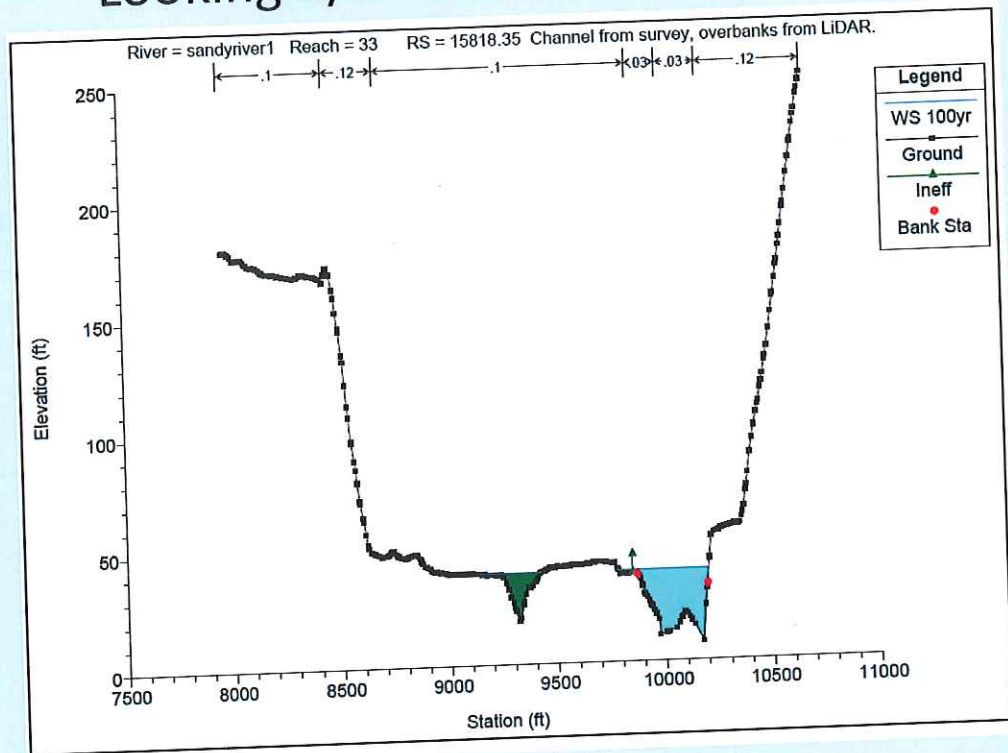
FIRM Flow Values

FIRM Study	Downstream (I-84) (cfs)	Sandy River at Bull Run Gage 14142500 (cfs)
1988 and 2009	82,800	Not avail.
ODOT, 2009	88,937	78,700
2016	85,139	73,737

	Return Period, yr						
	10	25		50		100	500
FIRM estimate, cfs	44,742	55,865		64,615		73,737	97,256
12/22/64, cfs							84,400
2/7/96, cfs					68,600		
1/16/11, cfs			61,700				

Example Cross Section

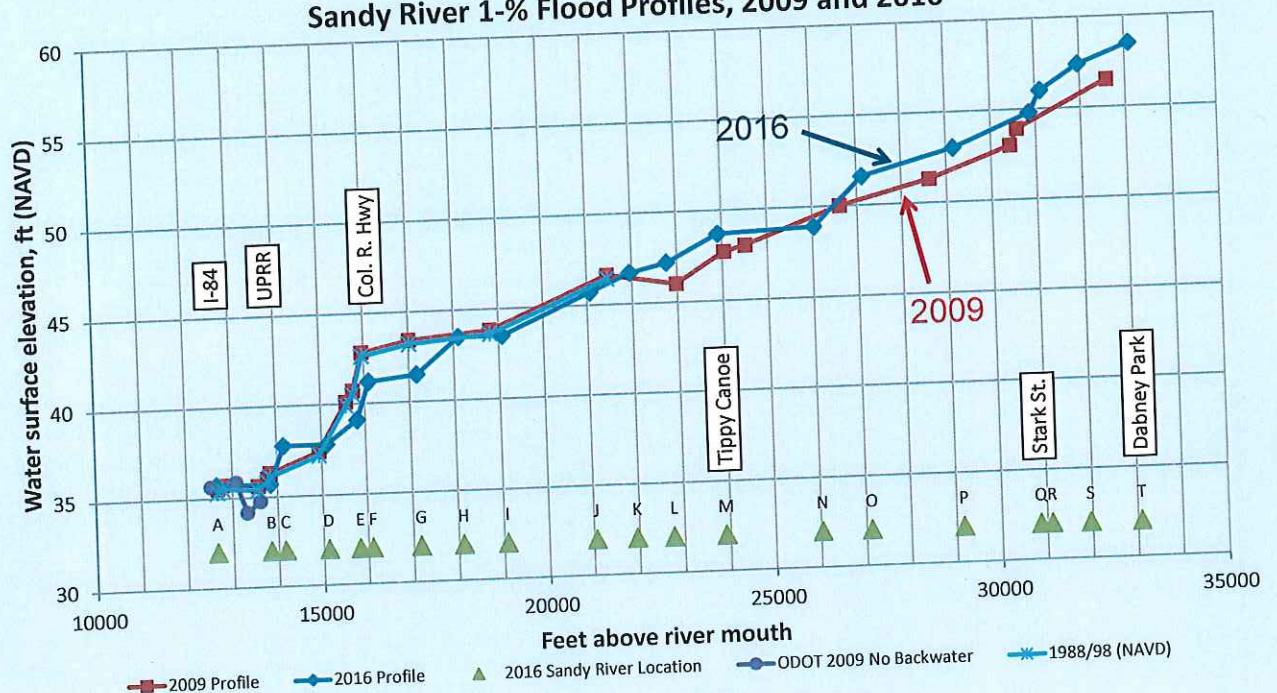
Just downstream of Old Col. R. Hwy. Bridge
Looking d/s. Beaver Creek on left.

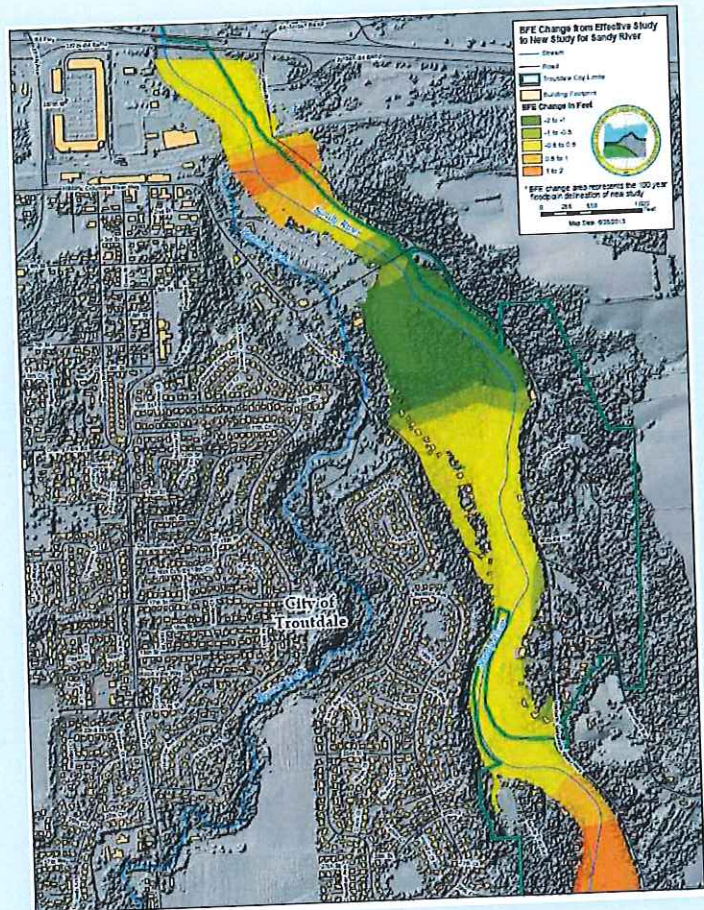
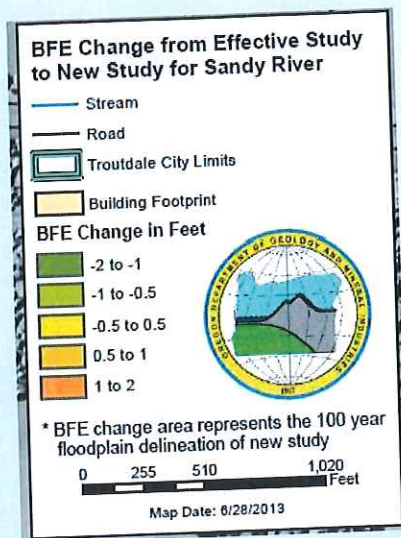


Profile Comparisons

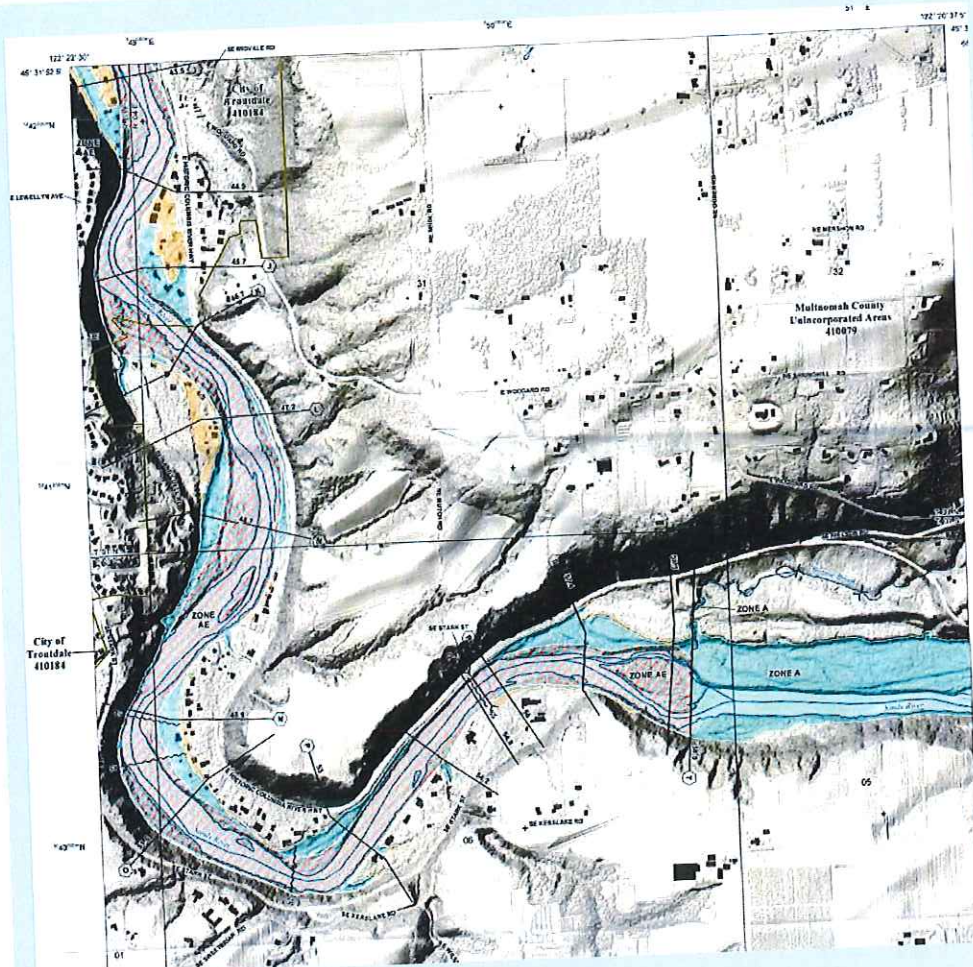
Downstream (left) to upstream

Sandy River 1-% Flood Profiles, 2009 and 2016





Jed Roberts, DOGAMI



Upstream
End

This area
generally
subject to 1-
2 ft rise in
BFE. No
obvious
impact on
reparian
structures.

Affected Structures

- **Adopted DFIRM (2009)**

- A = 7 buildings intersect with the A source layer
- AE = 76 buildings intersect with the AE source layer

- **PRELIM 2016**

- A = 45 buildings intersect with the A source layer*
- AE = 54 buildings intersect with the AE source layer

Kaleena Hughes, GIS Analyst | City of Troutdale, 5/12/2016

*Most are in I-84/Airport area and have been or will be out altogether or redesignated to Zone AE via LOMR process.

2009 vs. 2016 Comparisons

2016 generally higher u/s, generally lower d/s

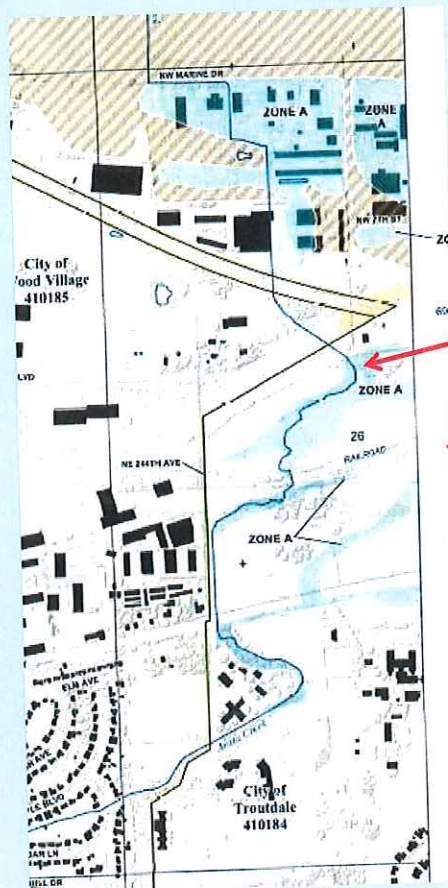
Why?

- Higher 100-yr design flow in 2016. 2,300 cfs higher at I-84
- New surveys and LiDAR topography. LiDAR 4-in. *vertical* accuracy. Horizontal error may be amplified.
- Marmot Dam removal not a factor
- More realistic river profiles
- Good effort at calibration and attention to hydraulic details
- *I see no reason to dispute the FEMA results.*

Near I-84 and Airport

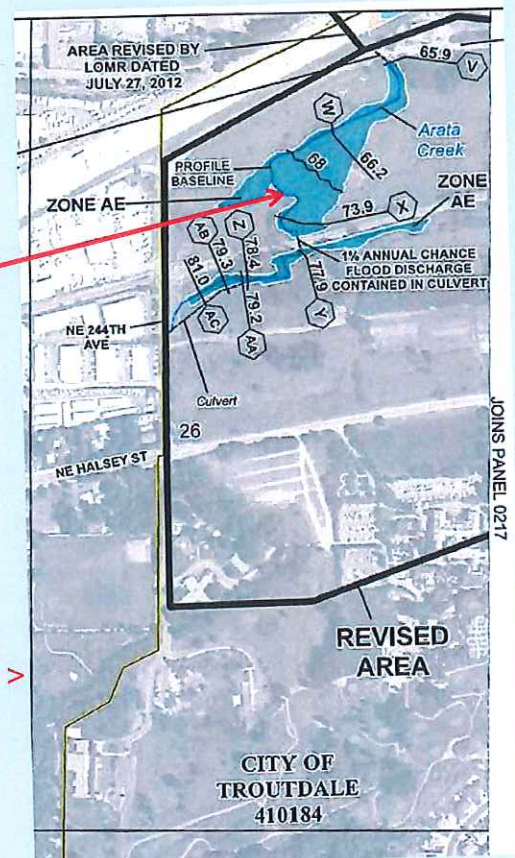
- Arata Creek and Salmon Creek areas not subject to detailed study in this study. Means that on March 2016 maps most of area is designated Zone A (no Base Flood Elevation shown and thus, higher insurance rates.)
- But Letters of Map Revision (LOMRs) have been submitted and mostly approved to change designations to Zone AE (BFE given).
- Much better for property owners.
- City following up to insure FEMA adoption.

Panel 216



<March 2016 FIRM

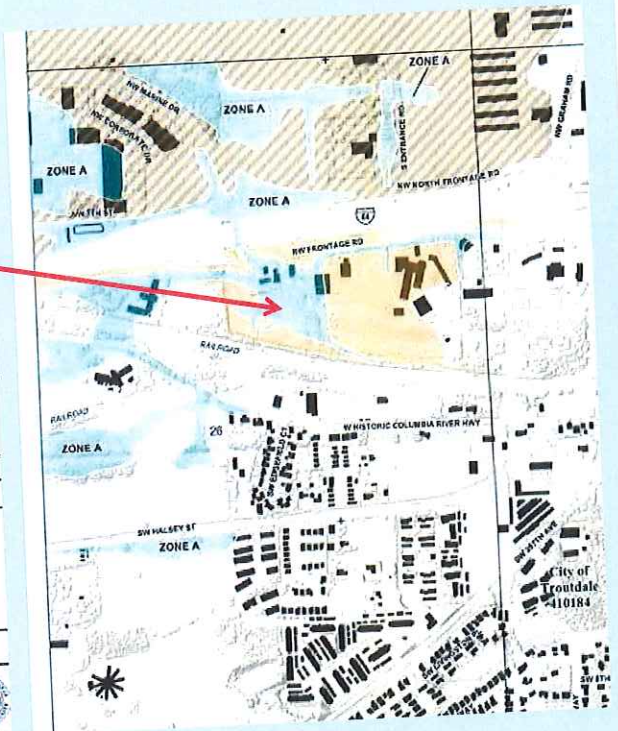
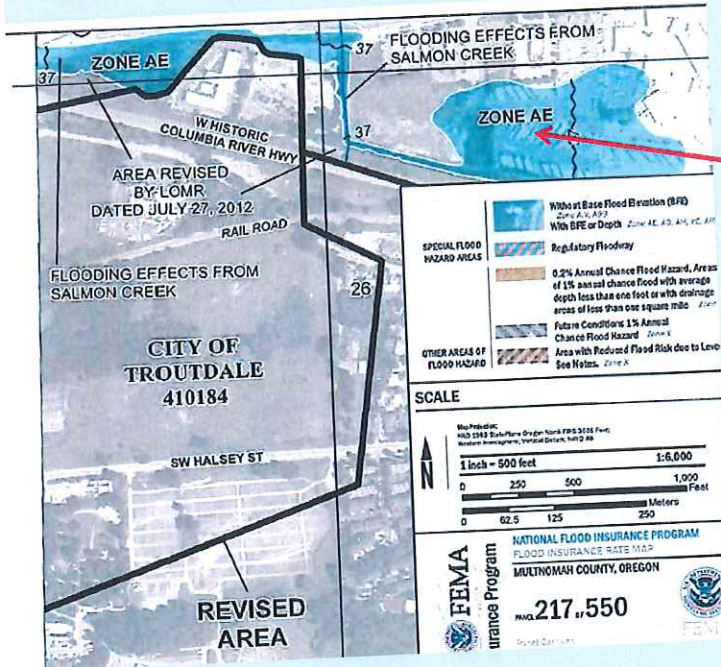
LOMR 15-10-0523P >



Panel 217

March 2016 FIRM

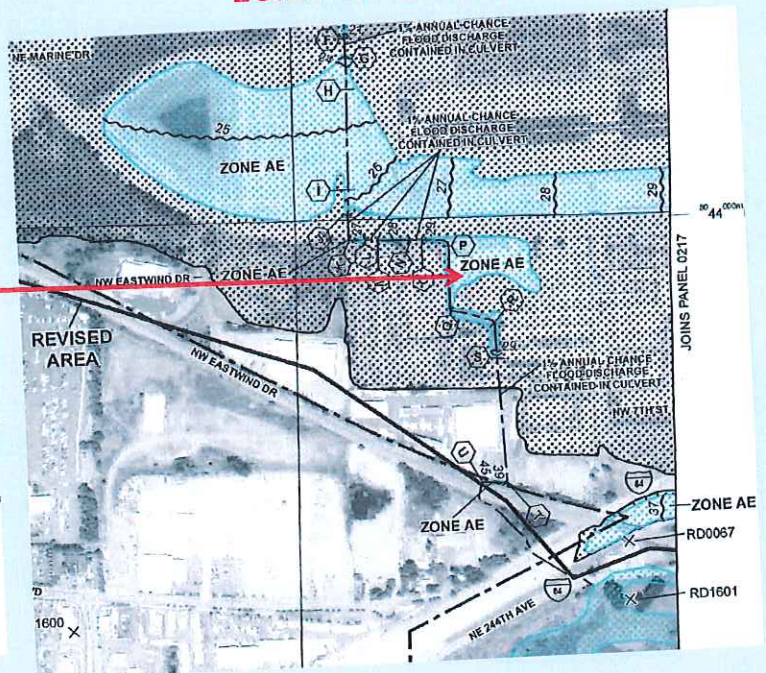
LOMR 15-10-0523P



Panel 216

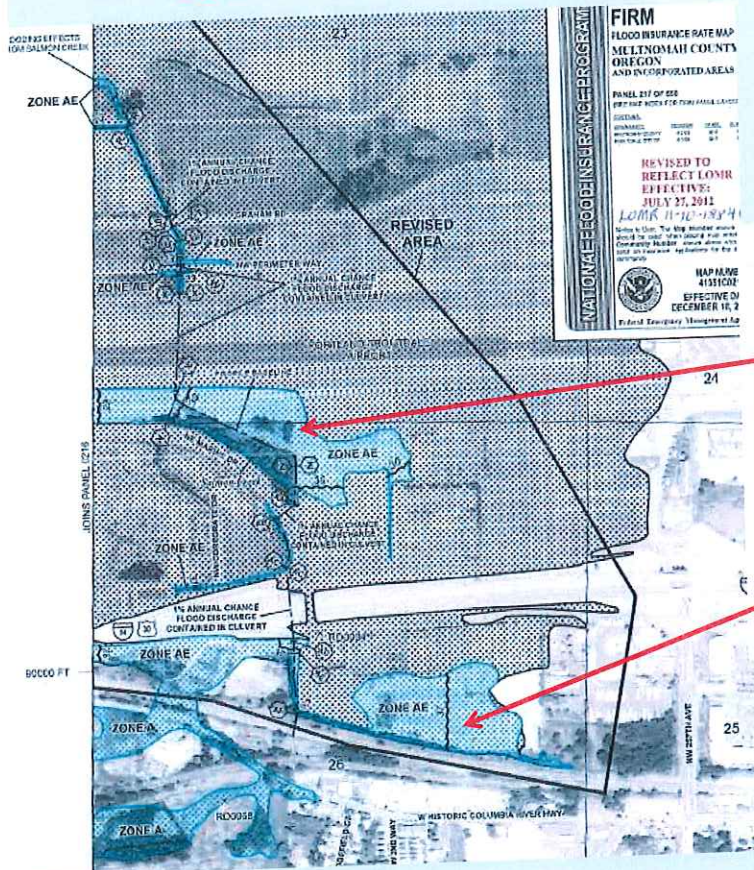
LOMR 11-10-1884P

March 2016 FIRM

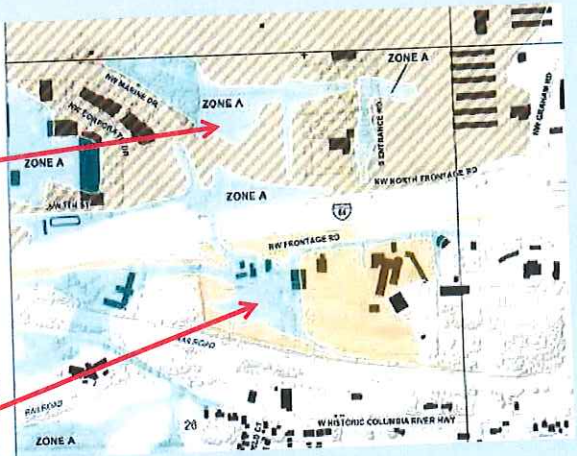


LOMR 11-10-1884P

Panel 217



March 2016 FIRM



Next Steps for City

- Appeal to maps needs to be based on revised data, typically topography, or alleged errors in technical methods. *I see no basis for either.*
- Appeal process is costly and time-consuming. I see no technical basis, but local knowledge might suggest otherwise.
- City and/or interested parties would need to pay for such as new surveys and new analysis unless clear errors were demonstrated.

Appeals

- All appeals must be supported by scientific and technical data.
- Alternative methods or applications result in more correct estimates of base flood elevations.
- Criteria documentation available:
 - Establishes areas eligible for appeal
 - Identifies documentation needed to support an appeal of each flood hazard type (e.g. modeling, topography, etc)
 - Reiterates:
 - Certification requirements
 - The importance of submitting analyses in the same vertical datum and tying into to the effective model and mapping



FEMA

19

RiskMAP
Increasing Resilience Together

David Ratte, FEMA, June 27, 2016

Follow up with LOMR process

- See FEMA LOMR guidelines
- Use to dispute land boundaries, i.e., “in or out”?
- *Possible* significant horizontal boundary error
- Main cost is for surveys
- City and FEMA to coordinate to ensure current LOMRs are included in final, 2017 Effective Maps.

DRAFT

MINUTES
Troutdale City Council – Regular Meeting
Troutdale City Hall – Council Chambers
219 E. Historic Columbia River Hwy.
Troutdale, OR 97060

Tuesday, September 27, 2016 – 7:00PM

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.

Mayor Daoust called the meeting to order at 7:00pm.

PRESENT: Mayor Daoust; Councilor Ripma; Councilor Brooks; Councilor Morgan; Councilor White; Councilor Allen and Councilor Wilson.

ABSENT: None

STAFF: Erich Mueller, Finance Director; Ed Trompke, City Attorney; Sarah Skroch, City Recorder; Steve Gaschler, Public Works Director and Chris Damgen, Planning Director.

GUESTS: See Attached List.

Mayor Daoust asks for any agenda updates.

Erich Mueller, Finance Director, states on agenda item #8 it should be noted that it is an introduction to the public hearing/ordinance.

2. CONSENT AGENDA:

2.1 MINUTES: July 12, 2016 Regular Meeting and August 9, 2016 Regular Meeting.

2.2 RESOLUTION: A resolution authorizing the City Official to execute an Intergovernmental Agreement with the Port of Portland for cost sharing of local matching funds for the MTIP grant funded 40-Mile Loop: Blue Lake Park to Sundial Road project.

MOTION: Councilor Ripma moved to approve and adopt the Consent Agenda. Seconded by Councilor Morgan. The motion passed unanimously 6-0. (Councilor Allen was not present for vote)

3. PUBLIC COMMENT

Bruce Wasson, Troutdale resident, states last Saturday I went to a preparedness meeting put on by our State Representative, Chris Gorsek. He had some very interesting speakers there talking about preparedness. One of the things they were trying to make sure is that the Cities of Troutdale, Fairview, Wood Village and Gresham were working together on preparedness. I am not privy to know whether we are or not but I think it would be good

to coordinate. The City of Gresham had come out with a preparedness plan and I think Wood Village picked up on it too. I think the Cities should be involved. Representative Gorsek was very gracious. He had 2 speakers there. One from Multnomah County Preparedness and the other one was from the Health Department. I suggest to our representative that maybe the cities could send a representative from all 4 cities and maybe someone from East County could see if there's any coordination for emergency preparedness. One of the reasons I went to this is because if there's any kind of cyberattack that would shut down the electrical grid and we have to have some sort of plan in place to deal with it.

Sharon Ezzell, Troutdale resident, states at the September 13th Council meeting during item #9, which was the Council Communications, Councilor Wilson responded to Councilor Ripma's discussion regarding Councilor Wilson's being the liaison with the West Columbia Gorge Chamber of Commerce. Councilor Wilson, referring to the Chamber meeting of September 9th, stated that 2 of the Councilors were members and as such they had a right to be at that meeting. And as a liaison he was supposed to be there. He stated that there was a third Councilor present at the meeting when he got there which quote, "made us to have a quorum there". He said that, "the fourth Councilor should have left as soon as I came in because I was supposed to be there." I would like to read the definitions of a quorum. This is from Webster New World Dictionary, the minimum number of members required to be present at an assembly before the validity to proceed to transact business. Also online, quorum, the minimum number of members at an assembly or society that must be present at any of its meetings to make the proceedings of that meeting valid. This is from the online dictionary at dictionary.com and it starts off, the number of members of a group or organization required to be present to transact business. The Chamber meeting was conducting their business. They were not conducting Troutdale Council business. Therefore it really did not matter how many members of the Troutdale Council were present. We live in a wonderful small town and the possibility of more than 3 members of the Council being present as citizens of our town is highly likely. If every member of the Council had a child of school age involved in sports, music, drama or if they were just wanting to support an activity and you all showed up at the same time, based on what Councilor Wilson said, at least 4 of the Councilors should leave. Who should leave? Who should have the right to support their child? Or who should have the right to be at an activity of their choice? As the definition of a quorum clearly states the quorum is only relevant when conducting Council business. This is not the first time that I heard the quorum argument used in a discussion. I hope with this information that I have provided it will end further doubt and questions. I would also like to address the Pledge of Allegiance. Tonight went very well but sometimes whoever's leading it has a tendency to speed and when there's a group of people it's really hard to stay with. Please slow down for us.

Paul Wilcox, Troutdale resident, states I have 3 items. The first is as a private citizen and also a member of the Parks Advisory Committee, I'm really disappointed that some of the candidates for Council have turned rebuilding Imagination Station into a political issue. Item 2, two weeks ago the Council decided on the company or service that is going to do the recruiting for the new City Manager. I'm kind of wondering since you've only scheduled a single Council meeting the next 2 or 3 months if there are Work Sessions so that you

can address hiring an interim. When I looked at the proposals they were projecting a 3 to 4 month timeline for the process. I wanted to point out that the January Council will look very different from this Council. Item 3, I would like to formally request that agenda item #6 be open for public comment.

Mayor Daoust states just to clarify, we have one on one interviews with Prothman on Monday, October 10th. There is steps being taken to fill the City Manager position outside regular Council meetings.

Councilor White states there is going to be plans for a public event so the public will have an opportunity to state what they are looking for in a new City Manager.

Mayor Daoust states that will also be October 10th in the evening at the police station.

Cindy Passannante, West Columbia Gorge Chamber of Commerce, Events Chair, states we would like to present to the City of Troutdale the first Fall Festival of the Arts poster that is signed by the artist that created it. This is given to you as one of the collectable posters. On Saturday morning there will be artists in Glenn Otto Park and dinner and theater at Yoshida Ballroom Saturday night and then back to the park on Sunday. We would like to invite everybody to come. Tickets are available online on the Chamber website.

Rip Caswell, Troutdale resident, states I wanted to give a quick report on the dedication tomorrow of the mural in Mayor's Square. I want to personally thank this Council for supporting the arts and Metro for their Community Enhancement grant that allowed Troutdale to bring in a significant piece of art. It's more than just a mural. It's a fine art painting that tells our history. There's some significant people in there. You'll see Clara Larsson which was Oregon's first woman Mayor, Aaron Fox who was Troutdale's first Mayor, Sam Hill and Samuel Lancaster are in the Model T Ford coming down the road and even Glenn Otto is running across the road as the future Mayor of Troutdale. It's a lot of fun and a lot of history showing our town in the early 1900s. There's a lot of stories that can be told about our history. Thank you all for your support in the public art of Troutdale. There is one thing I would like to address also. There's been a new permit and I feel like it's a bit redundant, unnecessary and excessive. It's new this year. The Fall Arts Festival last year we had a lot of artists that came in and if you don't know, artists don't like to deal with all the paperwork and all the details. I would like you guys to look at your new vendor license conditions. It's requiring that every single artist that comes to the park has to fill out a permit. We've lost some artists because of this process. It's new and it was brought on us at the last minute. I think it's really an unnecessary permit to put on them. It even states that you could be ejected from the show, your things could be confiscated and you would have to have a hearing. It sounds like it's a legal issue and I think it's unwarranted, it's excessive and we should not do things that discourage people from showing their art. I understand if there's alcohol we need to hold those people liable or if there's food we need to make sure it's of utmost standards. Let's let the artists show their work and keep it simple. It doesn't cost anything but that's not the issue. It also creates a burden on the City to have to have to get all these permits. We're talking about 60 permits that have to be filled out. We have artists that are simply showing and not even

selling that have to get the permit. If you read the Code it says that you shall not offer or display, advertise or sell any article or thing for 3 or more days within any park. I would like you to look at this and revise it. I think it only needs one umbrella permit that covers our vendors.

Mayor Daoust states it's too late to handle the permit issue this year but I hope that the Council takes it up next year and works on it.

Councilor Allen states one consideration is that I believe we have to store that paperwork for a long time. It doesn't sound like it's in our best interest.

Sam Barnett, Troutdale resident, states I read something recently that made a lot of sense to me. The first step to correct a mistake is to admit a mistake has been made. We all and you all obviously have made mistakes. But to wrongfully defend and attempt to ill mindedly substantiate a mistake is really nothing more than a cover-up. A cover-up is always worse than the crime and it wastes a lot of time. I would like to suggest that you all, and some more than others, take this wise man's advice in all you do. Whether it be here for the City or elsewhere. We all have a responsibility from time to time to right a wrong and if nothing else the high road is a good friend. I might suggest that West Columbia Gorge Chamber of Commerce consider that a mistake has been made before they attempt to defend it.

4. PUBLIC HEARING / ORDINANCE (Introduced 9/13/16): An ordinance vacating segments of SE Kibling Avenue and SE 7th Street rights-of-way at the Troutdale Elementary School site.

Chris Damgen, Planning Director, states tonight is the second hearing as far as City Council's review of this project. This is a right-of-way vacation for the Troutdale Elementary School site. To recap, this is an issue that in order to allow the school district to proceed with a land use application for a redevelopment of that property the building and the site as it is, is a non-conformity. It's a non-conformity because there is an existing right-of-way that cuts through the building. At the presentation 2 weeks ago we mentioned that in order to consider the vacation, the application has to fit on 2 decision criteria which are on the screen and included in the handout tonight (a copy of the handout can be found in the meeting packet). At that meeting at that time staff had asked for you to take a look at the decision criteria. Staff continues to remain in support of the application and we have received no additional public comment since the end of that hearing. There was some testimony at the previous meeting in support of the application and we continue our support this evening. I'm happy to take any questions you may have.

Mayor Daoust opens the public hearing at 7:25pm.

Glenn Schnaidt, Reynolds School District, states 2 weeks ago when we presented the case and Chris presented information to you, there was a brief question/answer period. I'll be glad to answer any kind of technical questions you might have about the project. I just want to reiterate that the original building that was built in the 1920s was built over the right-of-way and the vacation of these 2 streets were never recorded and this is an

opportunity for an ordinance to finalize those vacations and allow the school district to proceed with the review of the school project.

Councilor White states Councilor Allen asked for this meeting because he was concerned about delays. Is that going to be an issue for you?

Glenn Schnaidt responds right now, no. But we have a very tight schedule for design and construction and we're doing the best we can to manage to those schedules.

Mayor Daoust closes the public hearing at 7:28pm.

MOTION: Councilor Morgan makes a motion to accept the ordinance vacating segments of SE Kibling Avenue and SE 7th Street rights-of-way at the Troutdale Elementary School site. Seconded by Councilor Ripma.

VOTE: Councilor Ripma – Yes; Councilor Brooks – Yes; Councilor Morgan – Yes; Mayor Daoust – Yes; Councilor White – Yes; Councilor Allen – Yes; and Councilor Wilson – Yes.

Motion passes 7-0.

5. PUBLIC HEARING / ORDINANCE (Introduction): An ordinance amending section 1.04.010 – Definitions of the Troutdale Municipal Code to include definitions for Police which recognize contracted police services.

Sarah Skroch, Deputy Recorder, states before you tonight is an ordinance that is housekeeping in nature and reflects the current IGA that we have with the Multnomah County Sheriff's Office for police services. The reason I'm bringing it before you tonight is because Chapter 2.60 of the Municipal Code requires all City volunteers to pass a criminal history records check and that includes our City Committees and Commissions which we're currently recruiting for. The Code states that the records checks are going to be performed by the Troutdale Police Department and in order for the Sheriff's Office to now provide that service for the City we need to update the Code to reflect that that is the entity that will now be performing that service. Rather than bringing forward a change specific to just Chapter 2.60 we thought it would be more efficient to address the contracted police services throughout the Code. We're proposing to do that by adding 3 definitions which is one for Chief of Police, Police Officer and Police Department. The definitions state that the functions may be provided by the Troutdale Police Department, the Multnomah County Sheriff's Office or any other police agency that's contracting with the City for police services. We also expanded the definition of Chief of Police to reflect that that position will still remain under a contract scenario but will be fulfilled by a designee from the Sheriff's Office or another contracted agency.

Councilor Morgan asks, what were we doing up until this point since we've had a contract in place for almost over a year?

Erich Mueller responds the Sheriff's Office performed the checks for us last year. The Department of Public Safety Standards and Training (DPSST) allowed them to perform that service on our behalf last year because we were in transition. They indicated that we needed to move forward and have the Code amended so that they had the ability to properly do that and maintain compliance with the criminal records check system.

Mayor Daoust opens the public hearing at 7:33pm.

No comments.

Mayor Daoust closes the public hearing at 7:33pm.

6. PRESENTATION FROM CHAMBER TO COUNCIL DISCUSSION: The Role of the Council Liaison to the West Columbia Gorge Chamber of Commerce (WCGCC).

Karen Young, West Columbia Gorge Chamber of Commerce (WCGCC), Executive Director, states I would first like to say I'm looking forward to serving the Chamber and getting to know everyone in this community. I very much appreciate being chosen for this position. Addressing the agenda item regarding a liaison, I would like to read what is stated in the Chamber bylaws regarding that role. Article 3 Section 1 states that up to 8 non-voting ex-officio members of the Board may be selected by the elected directors. Ex-officio members are to name a staff member or elected official from a respected entity as an alternative to facilitate regular participation of Board meetings by the ex-officio or alternate. It is my understanding that we currently have 2 appointed liaisons who serve as ex-officio members and they are Ted Tosterud from the City of Fairview and John Wilson from the City of Troutdale. I was hired to advise and assist the Board with protocols, policies and procedures and in helping to ensure organizational transparency and I will certainly do so if any questions or concerns arise regarding the role of liaisons to the Chamber Board. I would like to add that however these relationships go, in the future what I feel is most important is to consider open communication.

Cheryl McKinney, WCGCC, President, states the relationship between the Chamber and the Council in the past between 2006 and 2012 or so have at times been strained. One solution sought by the Council to smooth over misunderstandings and help keep a stronger partnership was the position of an ex-officio member of the Chamber Board. This position is non-voting and under the City Charter is appointed by the Mayor and back when it was created some of the Chamber members were resistant to creating the position because the Chamber's a private entity. The compromise was struck that the position be non-voting so there's no conflict of interest between the City Councilor's obligations as a City Councilor. In short the City Councilor can speak and participate but has absolutely no power over the Chamber. The entire point of this position is so that the Chamber has the benefit of input from the City Councilor on an ongoing basis and also the City Councilor has the benefit of keeping the Council informed. That has worked very well first with Councilor Eric Anderson and now with Councilor Wilson. Councilor John Wilson, in all meetings, properly recused himself even from deliberations considering endorsements during this election cycle. He removed himself from the Board chair and moved into the audience after fully disclosing why he would not participate. Notably the

Chamber doesn't consider that there was a conflict because Councilor Wilson has no vote. In abundance of caution to avoid even the appearance of impropriety he removed himself. As an audience member Councilor Wilson did not speak in any way during consideration of endorsements. During his time as an ex-officio member we have found his information to be invaluable to the Chamber. His extensive history with the Chamber as a volunteer, Summerfest Chair, with the Cruise-In and so many other events. He knows how to get the job done and just as importantly he's able to help the Chamber navigate and create a stronger partnership with the City, Council and the Mayor.

Bob McDonald, WCGCC, Interim Director, states I want to comment that I'm in support of what these 2 ladies have mentioned. I served as the Interim Director for the last 6 months from March until last week. In my time in the Chamber I've had an excellent relationship with Councilor Wilson and with you, Mr. Mayor and some of the Councilors with whom I have met. I think the role of liaison is very important. The Chamber is an independent organization and must work closely with the City Council. I truly believe the 2 organizations need to walk side by side.

Mayor Daoust states it seems there needed to be some validation of role of the liaison and I appreciate you all being here. I remember Paul Thalhofer always wanted there to be a good relationship between the Chamber and the City. The last 20 years that I have been on Council I have maintained that same position. It's a relationship that has to keep good and strong. That is part of the reason we chose to have a liaison. The 2 people who have been in that position have done a good job in communicating back and forth between the two entities. As Mayor, I'm going to continue that. If the next Mayor wants to change that relationship then he can do that. I'm not going to for the rest of the calendar year. I hope it continues into the future.

Councilor Ripma states since I'm the one that brought this subject up, I also want good relations and always have. My objection was not to the Chamber or anything the Chamber has done so much as, I think, the self-serving behavior of our representative to the Chamber. For many years we had no liaison. If you think the roles are now all smooth maybe we don't need one anymore. I'm encouraging us to reconsider doing it. My objection and the reason I brought this up to be on the agenda was that Councilor Wilson in addition to representing the City, I guess, was at least in support of your taking positions in contested elections. You've endorsed Councilor Wilson in a contested election and that's never happened before. At the same time you obviously want to replace some other Councilors because you're endorsing to get rid of a couple of other Councilors that are running. That's your choice. I don't think Councilor Wilson served us well. He served himself well. I objected 2 weeks ago. Does the City get a say in whether we do it or not?

Mayor Daoust states the Mayor appoints the ex-officio member.

Councilor Ripma states yes but you asked us if it was okay for Councilor Wilson when he was appointed and I assume you'll ask if we pick someone else and I'm going to request that we eliminate the position. I'm assuming you'll ask us and I'm assuming the City has a choice in whether we participate in having an ex-officio representative on your board. True?

Mayor Daoust states let's take this off the polarization which you're creating.

Councilor Ripma states I am polarized to the extent that you brought them in to say their praises and I'm the one that raised the concern. I think my concern is valid.

Councilor Wilson states everything is third hand.

Councilor Ripma states you can't deny that you were promoting the idea.

Mayor Daoust states I am privy to a lot of the information that has been shared since the last meeting. Councilor Ripma had a point at the last meeting that he had heard from somebody on the WCGCC Board that Councilor Wilson was inappropriate. Since then that person has retracted that and said that they made a mistake. You got that email.

Councilor Ripma states it's in the minutes of the August meeting that John Wilson spoke in favor of setting up a PAC. It's in the minutes of their organization. The basis for my argument is in black and white.

Mayor Daoust states the Chamber, even tonight, said that the basis for your argument is not valid. Even the person you heard it from said the basis for your argument is not valid.

Councilor Ripma states I don't believe the folks here said the basis of my argument is not valid. Was he endorsed in fact by you?

Ed Trompke, City Attorney, states I reviewed the emails and information that was provided by the Chamber and I couldn't find anything wrong in the conduct.

Councilor Ripma states you mean legal, Ed. I'm talking about Councilor Wilson behaved in a self-serving manner. I can make my own judgment on that. Did Councilor Wilson ever speak in favor of setting up a PAC and endorsing candidates?

Cheryl McKinney asks, are you talking about the September 4th meeting?

Councilor Ripma responds no I'm talking about an earlier Board meeting.

Cheryl McKinney states he has brought information from other Chambers and what they do with their government affairs committees and PAC Committees and that's it. He did not speak in our September Board meeting about the PAC Committee or the Government Affairs Committee. He recused himself from the Board chair that he was sitting at and stated why and moved out to the audience.

Councilor Ripma states my objection is that while serving as supposedly a liaison between the City and WCGCC he was promoting the idea of a PAC. He was ultimately endorsed by you. I realize he stepped down when you took to vote. I'm not very impressed by that. He did step down because he can't vote anyway. I am saying as a City, I'm concerned that you liked him so much you've decided to try to replace a couple of other

councilors with people like him. Frankly, all the businesses I've talked to don't want anything to do with that. But that is your choice. I'm not here to dictate to you. I'm here to talk to my fellow Councilors about the idea of not having a liaison anymore for the time being with the WCGCC. I think it would be in your best interest too.

Cheryl McKinney states I don't agree with you on that. Councilor Wilson has not come before the September meeting necessarily in favor of the PAC. He has provided information on what other Chambers are doing and some he sent don't have a PAC.

Councilor Ripma states it's in your minutes.

Mayor Daoust states I'll say it again, you have no basis for your objection. If you want to talk about the Council not having a liaison just keep it at that. That can be a discussion amongst the 7 of us but the basis you brought up about Councilor Wilson has no foundation whatsoever. Let's try to stick to the point of getting rid of the liaison. If the Council wants to do that then I suggest you wait until I'm not Mayor and take it up next year. Do I have the right to say that, Ed?

Ed Trompke responds I'm looking at the City Charter Section 18C it says the Mayor appoints Councilors and others to represent the City before and on community and intergovernmental organizations. The Chamber is a community organization and so if requested by the WCGCC the Mayor has the authority to appoint a representative. As long as you are asked to represent someone you may.

Mayor Daoust states I'm not trying to be bull headed here but what I'm trying to tell Councilor Ripma and the rest of you is that as long as I have the Charter that tells me that I have the authority, I'm not going to change anything while I'm still Mayor. I'm not going to dilute any relationship between the City and the Chamber one iota. I don't care if Councilor Ripma thinks that we should just get rid of the position. I'm not going to do that as Mayor.

Councilor Ripma states I'm asking you to consider our opinion. Could you at least ask if the Council wants to have a liaison? I'm asking you to do that.

Mayor Daoust responds I'm going to keep the liaison because I think it's an important position for the City and the Chamber. Even if I did ask you, I'm going to keep it.

Councilor Ripma states this action is going to dilute the relationship I assure you. You must realize then that Councilor Wilson represents Mayor Daoust, not the City Council.

Mayor Daoust states let's get the position and the argument where it is. You want to get rid of the position. The authority is with me. I don't want to get rid of the position.

Councilor Morgan states we have a lot of really important things to talk about. Do you think that there's some kind of deserving conduct unbecoming? We have a process to censure if that's a concern. It seems that this is an issue that's not the most important issue. The arguing and fighting and yelling at one another is embarrassing.

Councilor Allen states I don't disagree with your right to appoint in this particular case, Mayor. As liaison to the Chamber, is Councilor Wilson required to represent the interest of the Council?

Ed Trompke responds the Charter says he represents the City. He is supposed to represent the City in his best judgment.

Councilor Allen states in statistics you have a choice in how you want to represent and statistics in a way that's favorable to your argument or not favorable. If you say the Chambers of our size in the metro area predominantly have Government Affairs Committees or PACs the answer would be true. If you were to say the same thing about the State of Oregon the statement would be false. What I saw on the August 15th meeting was Councilor Wilson advocate for a PAC and a GAC based on the area and Portland Metro area.

Mayor Daoust states I thought we were going to talk about whether to have the liaison role or not. Not getting back to pouncing on Councilor Wilson.

Councilor Allen states I'm actually not pouncing on him. I'm clarifying. What I'm saying is that if it's okay for him to do that then so be it. Some people would interpret that as more self-serving in this particular case because he has an interest.

Ed Trompke states a person who is authorized to represent the City on any organization has to make some political judgments. The person has to act in good faith.

Councilor Allen states for Cheryl, in the Outlook, Friday, September 16th, there is a paragraph and I wonder if it's actually what you meant to say or if it was not exactly what you wanted to say. This is an article by Zane Sparling. The particular paragraph attributed to you as "I don't want to accuse them but it did sound very threatening to me." "I just don't think that's the right thing to do to be punitive and threatening to us." I was curious as to what I may have said that may have come across as threatening.

Cheryl McKinney responds I can't remember your exact words but you made what I felt was a veiled threat that we, the Chamber, receives money from the City and you stated something in your comments to the Board and Councilor White also said if you do this there will be consequences.

Councilor Allen states I don't actually remember that. I can only speak for myself. I actually never meant a threat. I think having a good strong Chamber of Commerce is good for a community. For years I have supported the Chamber and that hasn't changed. My belief though is that the Chamber does receive the majority of its money from the City so I would think that that might be a conflict of interest for them to be actively engaged in who sits on Council. I was concerned about that. I was also concerned about the influence of Matt Wand in this particular case being that there's potential business in front of the City that's in the millions. What I would prefer, I can't tell you what to do, is that forums be more neutral in their conduct. I was hoping we could work some kind of mutual agreement out.

Cheryl McKinney states I'm going to go back to your question on what I was quoted for in the paper. In answer to your question, it was thinly veiled. You said we were putting the money that we received from the City at risk.

Councilor Allen states I did not say that.

Cheryl McKinney responds not your exact words. I was not the only person who felt there was a threat there.

Councilor Allen states I wish the meetings were recorded just for this type of thing. There is no threat there. I do not intend in any way to threaten the Chamber. I actually support the Chamber and I'm a member of the Chamber.

Cheryl McKinney states I know in the past you as a Councilor have voted to keep that relationship alive. I hope that if you do win as Mayor that you will act the way you have in the past and not pull the rug out from underneath us.

Councilor Allen states I have no intention of doing so.

Mayor Daoust states just to clarify, the money that the City gives to the Chamber to run tourist activities is money from the hotels and the motels. It is not General Fund money from the City. The hotels and motels collect the .95% in addition to other taxes and package that up, send it to the City and we pass it right through to the Chamber to conduct tourist activities. If somebody says it's City money that we're giving the Chamber that's not quite true. It is hotel/motel tax money that the people staying the night in the motel pay and we're passing it through to the Chamber according to the agreement that we made with the Chamber.

Ed Trompke states if I could further clarify, it's my recollection it's called the TLT, the Transient Lodging Tax, it is required to be spent on tourism and tourism related matters. Many Cities do this to pass the money through to the Chamber to use for tourism related matters.

Councilor Allen states just to point out that the City does determine the best way to use that money for such purposes. But in no way, shape or form do I plan on working to pull that money just because I'm unhappy with you. I don't think that way.

Cheryl McKinney states the TLT money is used for our Visitor's Center which I know that our businesses really benefit from. The Visitor's Center is run by our Executive Director and Peggy Propster who is the Office Manager and they point people in directions to spend money with a lot of these local businesses.

Councilor Allen states I like to see the money being used for the purposes it is intended. I don't have any complaints there.

Bob McDonald states if I may refer to a comment that was made much earlier tonight that I feel the need to explain a little bit. References made to the fact that the Chamber endorsed Councilor Wilson but did not endorse any other Councilors and I think the questions raised on that point as to why the Chamber appeared to favor one Councilor over the other. I would like to explain how that process works so you understand why that occurred. When I came into the Chamber here they were just in the beginning process of establishing the Government Affairs program and we were wanting to head towards an endorsement concept. I had just finished doing that with the Gresham Chamber. I stood on the Gresham Chamber Government Affairs as well as other Committees and was with the Chamber for many years from the very beginning when they began to just endorse measures and shifted to endorsing candidates. A questionnaire was developed in Gresham that was provided to all candidates who filed application to run. Those candidates who submitted the questionnaire were provided the opportunity for a 20 minute interview with the Government Affairs Committee. This Chamber's Government Affairs followed the identical process. The questionnaire was essential to endorsement. If you don't file the questionnaire you do not get endorsed. The only Councilor in Troutdale who submitted a questionnaire was Councilor Wilson. Therefore he was the only Councilor allowed to interview and follow up endorsement. The other Councilors had that opportunity but they failed to send in the questionnaire.

Councilor Allen states I can only speak for myself. When I heard through the members of the Government Affairs Committee they were primarily made up of people that support my opponent I did not feel it was going to be a fair and impartial judgment and if I were to turn in the questionnaire I would basically be giving away my platform. I do not feel the Government Affairs Committee is a fair representation of the businesses feelings that the Chamber services.

Mayor Daoust states my perspective is it's the political season. That's simply how I would wrap up this whole discussion. I don't want my Council meetings to turn into election season issues. I'm not going to open this up for public discussion because it's the political season and I don't want the politics to continue the way the Council has started it. Given the Charter and my authority I choose to not change the liaison at this time. With all due respect to the rest of the City Council who I love and adore, I am not going to get rid of the liaison at this time.

Councilor Brooks states I'm sitting here thinking, what should I say? This has nothing to do with politics or anything like that but when an individual is accused of saying something. That doesn't sit well with me especially when it is me. I work with tons of businesses and I work with many Chambers. And to ever think that I would ever pull the rug or attempt to do that to a Chamber which supports so many businesses is absurd. I would never do that. I want to make it crystal clear, please. I will absolutely support the Chamber.

Councilor White states I know you want to make the decision, Mayor, but I think a possible solution would be similar to how we operate with the Champion where a candidate that's up for re-election might not be the best choice for a liaison. Just for future reference. I think that would solve some of this. I want to say that in the 26 years I've lived in Troutdale

I've always supported the Chamber and they end up always using my property for the parade and I plan on doing that again with the Fall Festival of Arts and any activities that occur in Troutdale. I'm a member of the Chamber and I've gotten many, many thanks from them. I'm all in in Troutdale. I recently became a member of the Chamber to support this new group of people that came into the Chamber staff. I think Karen is going to be a great fit. And Peggy as well. I think she's doing a tremendous job in the office. I have no intention of retaliating. I think my concern was mainly that I don't think it's good in a small town to divide business by selecting candidates. I honestly don't believe the majority of the businesses knew about it. That was my concern. I was looking out for small businesses because I know how things can get misconstrued. Councilor Wilson, just a little constructive criticism, I may have missed it but I don't recall you keeping the Council informed on this Government Affairs Committee.

Councilor Wilson responds I sent emails to you guys.

Cheryl McKinney states I would just like to come back to you Councilor Brooks. Maybe you didn't say something. I believe what you said was, we have a plan for that.

Mayor Daoust states you've heard a lot of love for the Chamber tonight and I hope you take that with you tonight. People are supporting the Chamber.

Councilor Ripma states I will still support the Chamber.

Mayor Daoust calls for a break at 8:25pm.

Mayor Daoust calls the meeting back to order at 8:45pm.

7. RESOLUTION: A resolution adopting the Water Management and Conservation Plan dated August 2016.

Steve Gaschler, Public Works Director, states I have 2 items of business for you tonight. The resolution adopting the Water Management and Conservation Plan and in concert with that there's an ordinance that amends our Municipal Code to give us authority to do some of the water curtailment actions called out of the plan. The first one is the resolution adopting the City's Water Conservation Plan. The City's drinking water source is groundwater and it comes from 7 wells. Groundwater is considered a resource of the State and requires the City to obtain permits and approval to use that resource. To assure that the resource is being used responsibly, Cities are required to have a water management and conservation plan. Water management and conservation plans are intended to show that the City is taking appropriate action to use only the groundwater that is needed to meet the current and future needs of the City. The plan before the Council is an update to the City's original plan that was prepared in 2004 and adopted in 2005. The current plan is approved by the State and is good for a period of 10 years and will come back in 2026. The highlights of the conservation efforts proposed by the City includes replacement of residential meters, leak checks, workshops and offering conservation kits. The plan includes a 3 part curtailment plan in the case of emergencies

or when supply is not able to keep up with demand. The plan has been approved by the Oregon Water Resources Department.

Councilor Allen asks, are we giving up anything here?

Steve Gaschler responds no, we're not giving up anything. We need to do this to protect our ability to certificate our groundwater permits. We're trying to protect our water rights and trying to keep them safe.

Councilor Allen states I can't help but notice that along the Columbia River you have 5 wells that they use for emergency use.

Steve Gaschler states the City of Portland has a well but it's quite a ways to the west of here.

Councilor Allen states I was thinking that in time of water shortage they're probably going to want to pump those and that will affect us and we have to be able to manage that.

Steve Gaschler responds that's why the State requires this and manages that. They know who has what wells and where. As Troutdale aquifer we're in the southeast corner of it and goes clear across the Columbia. We haven't experienced any draw down effects in the City wells which are deeper.

Councilor Morgan asks, this is a 10 year plan approval?

Steve Gaschler responds from the State.

Councilor Morgan asks, the last time this was approved by the City Council was 2005?

Steve Gaschler responds correct.

Councilor Morgan asks, the projected growth of 17 years, is that based on the current conservation plan?

Steve Gaschler responds it's my understanding that that 17 years is our buildout without expanding the growth boundary.

Councilor Morgan asks, would this need to be amended if the Urban Growth Boundary was expanded?

Steve Gaschler responds I don't think that planning activity would actually change this. What might affect it is the rate of growth and if we see a rate of growth that's particularly different we can always go back to the State and ask them to amend it.

Mayor Daoust states I found it interesting that the Cities out here in East County are all interconnected. At least we're connected with Fairview and Wood Village and Gresham.

All by pipelines that are interconnected between the Cities and we're kind of under an obligation to share with each other if need be.

Steve Gaschler states correct. We have that agreement and it's a pipeline that's connected with a closed valve.

Councilor Ripma states we already have a Water Management Conservation Plan with the State. Is this an update of it?

Steve Gaschler responds it's an update or replacement of. They're very similar. The old one was based on older numbers. But what we do in the plan is pretty much the same.

Councilor Ripma states in your staff report you mentioned that the City proposed some additions and one was replacing all residential customer meters. I couldn't actually find that anywhere in the plan. Is it in the plan?

Steve Gaschler responds it should be in there. We let them know that that was our plan which we're doing that anyway. Those meters are going on 20 years old. We're systematically every year replacing a certain amount of them. It's going to take us about 10 years to get to them all.

Councilor Ripma asks, are the new meters something you can read electronically?

Steve Gaschler responds we don't have an electronic system but it can be retro fitted easily to accept that if that's a direction we go someday.

Councilor Ripma asks, we're in the middle of replacing meters right now?

Steve Gaschler responds I wouldn't say we're that far. We're in the first quarter still.

Councilor White asks, what population figures were used for this report?

Mayor Daoust states 18,000 and 19,000 at buildout but that was way out in 2032.

Councilor White asks, when you say these new meters are more accurate, does that mean the homeowner can expect an increase in their water bill?

Steve Gaschler responds it could go both ways. Sometimes they'll read more and sometimes they'll read less. I haven't had any calls or concerns yet.

Councilor White states there's been a concern in other Cities where that very thing has happened and there was some glitches in the new meters. Is there any disputing a water bill with the new meter?

Steve Gaschler responds yes and we have had some larger meters and we went out and looked at it and tested it until they were satisfied.

Councilor Allen states if I remember correctly Fairview did a meter upgrade. Have you talked to them?

Steve Gaschler responds I'm not aware of Fairview's. I have breakfast with them in the morning so I'll ask them. I know Gresham just went through all of theirs and upgraded. We're a little bit behind but I would rather make sure we maintain what we have until we put in new meters.

Councilor Wilson asks, do the new meters help detect leaks?

Steve Gaschler responds as far as the leak detection it's a complicated system and there's pipes everywhere so we know how much we pump out. We know how much goes through the meters and we try and keep track of what water doesn't go through. It's a whole accounting process and all those numbers should match. I think we're within 3%. If you're losing 5 to 10% then that is an alert to a leak somewhere.

Councilor White asks if we pass this are we required to approve the next ordinance?

Steve Gaschler responds in theory yes because if you adopt this plan that's approved by the State by resolution we don't have the authority right now in our ordinance to enact that water curtailment plan.

Councilor White asks, is there a way that staff can adjust that?

Steve Gaschler responds it depends on what you want to adjust.

Councilor Allen asks, are all the municipalities that are on the same water supply doing the same type of plan?

Steve Gaschler responds yes. It's my understanding they are. We're not treated any differently than any others.

Councilor Ripma states I just heard Councilor White ask the question and I want to make sure that if we adopt this resolution it takes effect immediately and we will be required to pass the ordinance. I myself don't have any particular problems with it but if you have a concern I would suggest that maybe we ought to hear what that is before we adopt the resolution.

Councilor White states I wonder with the Mayor's indulgence if we could go through the ordinance first. I do have some concerns.

Mayor Daoust asks, are they that closely tied, Steve?

Steve responds the existing curtailment has steps 1 and 2 in it. The only addition is step 3.

Mayor Daoust states we'll put item #7 on hold for a while and move to item #8.

8. PUBLIC HEARING / ORDINANCE: An ordinance amending Chapter 12.03 of the Troutdale Municipal Code, Water System.

Steve Gaschler, Public Works Director, states the second topic is the first reading of the ordinance amending the Municipal Code to provide legal authority to implement the 3 part water curtailment plan found in the Water Management and Conservation Plan. The curtailment plan is intended to identify proactive measures the City may take to reduce demand during water supply shortages to assure that water is used to the highest beneficial use. Because groundwater is our drinking water source, a short term drought is not anticipated to affect the City's water supply. Likely triggers of curtailment measures include long term power outages, mechanical or electrical failure at one or more of our wells, high water usage, loss of aquifer levels or acts of terrorism or natural disasters. The curtailment plan includes 3 different stages depending on the cause, severity and anticipated duration of the water shortage. The stages are intended to be progressive and may be applied to the entire system or just in those geographic areas affected by the shortage. Stages 1 and 2 can be initiated by the Public Works Director. Stage 1 is an alert level and includes voluntary actions by water users and mandatory actions by City forces. Stage 2 is more serious and involves more progressive measures to reduce the use of non-essential water demands. The intersystem connections with the Cities of Gresham, Wood Village and/or Fairview would be pursued at this stage. Stage 3 is activated only by the City Manager with confirmation by the Council within 72 hours. A stage 3 incident would likely impact other functions of the City. Water use would be limited to those uses necessary for basic sanitation, drinking and cooking. Staff is not aware of any supply deficiencies in at least the last 10 years. The City would use all resources available to notify customers of any water supply shortage. This is the first reading of the ordinance.

Councilor Wilson asks, what are the changes that are taking place in the beginning stage 1, 2 or 3?

Steve Gaschler responds in looking at the report in your binder the blue language is what is added. On the first item it talks about waste. It is unlawful to allow waste of City water by knowingly or negligently causing, authorizing or using water in excess. The water curtailment language we're putting in here was in the other management plan. We thought it made more sense to get into this ordinance and make it clear to everybody where this authority came from. As you can see most of it is voluntary until stage 3.

Councilor Brooks states in the past 10 years the City has not experienced a supply deficiency requiring limitation. Is there any trending or anything that has been seen that may be moving in that direction?

Steve Gaschler responds no, this is just precautionary in case of an emergency. It's not a trend or anything we expect to happen. It's being prepared.

Mayor Daoust states a lot of Cities have plans like this curtailment plan if things get dry.

Councilor Allen asks, in the event that someone is in an apartment situation where the renter doesn't pay and moves out, who is responsible?

Steve Gaschler responds it's my understanding that the owner is responsible.

Councilor Allen asks, this particular ordinance doesn't change any of that?

Steve Gaschler responds no.

Mayor Daoust states the first intent here is just to let the public know what is expected. The second point is to give the City the legal authority to implement these 3 stages.

Steve Gaschler states it sets a threshold of where we can declare there's a problem. It's an alert.

Councilor White states I have faith in our community that if there was an emergency situation that they would voluntarily stop using water as necessary. I don't want it to turn into the water police down the road. I would like to keep the language lighter and make it strictly voluntary.

Steve Gaschler states when I read it that's what it says, strictly voluntarily. At level 3 I'm probably not going to be able to get them water.

Councilor Ripma states the added language in the ordinance references this water conservation plan of the resolution on item #7. It doesn't really have any penalties. It seems like a sensible thing. I have no problem with it.

Ed Trompke states I was going to add that there is a limited delegation under stage 3 that the City Manager can make the decision but Council has to come back and act within 72 hours so there would be an emergency City Council meeting with political control over the City staff at that point in time with direction on how to act.

Mayor Daoust opens the public hearing at 9:31pm.

Sharon Ezzell, Troutdale resident, states I agree with what Mayor Daoust said if it gets to stage 2 people will rat each other out. As far as there being the water police I don't think that that's necessary. I don't think you have to worry about it. Even at level 3 it's out of your hands anyway because you're not going to get to water period.

Ed Trompke states I would like to ask Steve, will the Emergency Management Plan be updated at some point with a copy of this agreement?

Steve Gaschler responds it should be.

Mayor Daoust closes the public hearing at 9:34pm.

Mayor Daoust states now that we've talked this one through we'll move back to agenda item #7 which is the resolution which is the adopting the water management and conservation plan.

7. CONTINUATION - RESOLUTION: A resolution adopting the Water Management and Conservation Plan dated August 2016.

MOTION: Councilor Wilson moves to adopt the resolution adopting the water management and conservation plan dated August 2016. Seconded by Mayor Daoust.

VOTE: Councilor Ripma – Yes; Councilor Brooks – Yes; Councilor Morgan – Yes; Mayor Daoust – Yes; Councilor White – Yes; Councilor Allen – Yes; and Councilor Wilson – Yes.

Motion passes 7-0.

9. STAFF COMMUNICATIONS

Erich Mueller states the next meeting is scheduled for October 25th. Also the Prothman firm that the Council selected to do the professional recruitment for the City Manager position will be here for a public forum at 6:30 on October 10th in the Kellogg Room at the police facility.

10. COUNCIL COMMUNICATIONS

Councilor Ripma states I wanted to endorse Rip Caswell's comment about the need for separate vendor permits. I don't remember it being a problem in years past.

Councilor Wilson states this form has been around forever. I tried to do away with that vendor form a number of years ago. I asked Rich Faith at one point why we didn't just do away with the form and the Summerfest be responsible for the vendors. His response was we may not like a particular vendor so we're not going to approve their form. My feeling is that if there's a guideline that we want them to use, the City ought to come up with that guideline and what kind of vendors they don't want at any of our events. Let the event write a blanket vendor application taking responsibility for who is in the park. Here's the process, the Chamber has to send out all the information to the vendors. The vendors have to return all the information then they have to bring the applications to the City, the City is approving them, and all of those have to go back to the Chamber. Then they are all distributed to all the vendors. My feeling has always been and still is that there's never been anything that Summerfest has ever had that I would be embarrassed to have at the park. I think that we should do away with that form for City events.

Councilor Ripma states as Mayor Daoust said it's too late for the Fall Festival of the Arts this year but let's take it up later. If staff wants to weigh in on all the pros and cons I think we could consider doing away with it.

Steve Gaschler states it is part of the Municipal Code that requires that.

Councilor Allen states I would agree with a blanket form for an event.

Councilor Ripma states we can have staff look into it.

Councilor Wilson states we've made exceptions for parking on Councilor White's property and the police station, exceptions for alcohol at Glenn Otto Park for this upcoming event, I think we can take care of it for City events that are held in the parks.

Mayor Daoust states there's no hurry. We don't have any events coming up in the next 3 months.

Councilor Ripma states I want to remind the public, if you haven't seen the mural in Mayor's Square, it is spectacular. It's just gorgeous. The dedication is tomorrow the 28th at 2:00pm at Mayor's Square. Come if you can.

Councilor Brooks states I have a question for you, Ed. In regards to Monday, if we're all there will that not be a quorum? Or will it be a quorum?

Ed Trompke responds of course it will be a quorum if you're all there. Statute 192.630 Subsection 2 states a quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided. That means you can't meet for the purpose of deciding or for the purpose of deliberating. And if you do deliberate you probably met for that purpose. Just don't talk about substantive matters that may come before the Council and you should be fine.

Councilor Brooks states I had the real privilege and honor to be at an organizational event put on by the Trauma Intervention Program (TIP) here within the last 3 weeks. I wanted to really encourage anybody to attend these events. It was really an emotional evening. Watching citizens come together to help other citizens in times of traumatic experiences is huge. It really touched my heart because when I lost my mom I remember back and if I didn't have family there I would've been lost. These are people that actually step into situations like that and they lend a helping hand. If anybody has the time to do this it is around 40 hours a month and I'm seriously considering it only because it's such an amazing cause.

Mayor Daoust states as I stated at the last meeting, Mt. Hood Community College is turning 50 years old and as part of the celebration they've named 50 outstanding alumni of which I am one and my wife is one. So we're going to get awards Thursday at 5:30pm at the Mt. Hood Community College Art Gallery. It's open to the public. I also wanted to mention that this Friday at 1:00pm there is going to be a memorial service for a police officer that we lost, Jeff Potter. He took his own life so there is going to be a memorial service at 1:30pm Friday at Crossroads Church in Vancouver, Washington. I knew Jeff pretty closely as a police officer. We're all really sorry to hear this tragic end in his life occurred. As Mayor, there are a lot of meetings that I go to that the City Council does not go to. The Regional Mayors in the Portland Metro area get together once a month and that is one of the best meetings that I go to. I go to hang out with other Mayors and it's a

lively discussion about what all we have in common. We do have a lot in common. Troutdale does not sit by itself with the issues that we have. We all have the same issues. Along with that, Greater Portland Inc. holds a small city consortium at the same time right after the Mayor's meeting. All the small Cities in the Portland Metro area get together with Greater Portland Inc. and talk about economic development and to make sure that Greater Portland Inc. is also doing work for us and not just Portland or Vancouver.

Councilor White states I also had the pleasure of being at the TIP meeting and I want to thank Rich Allen for stepping up and hosting a table. Troutdale had a big presence there and was well represented. Attendance was a little down and I wanted to make sure that we were still donating tables to that event.

Mayor Daoust states the City had 2 tables and sponsored 20 people to go.

Councilor White states I got a complaint from a citizen who lives on 257th and with the increased traffic and truck flow they're having a problem with jake brakes on the downhill traffic. I think there's a city wide ordinance that those aren't allowed so we either need some enforcement or some signage. Also, on Troutdale Road, there is a lot of complaints about how fast the traffic is going through there. People have discovered that as an alternate route to 257th because it's less congested but they're going through it at a high rate of speed. There's a lot of kids in that neighborhood and if there's something we could look at I think we should. Maybe we could put the trailer with the speed limit sign out there because that seems to help. I also wanted to give a pitch for the mural. It's quite impressive. One other item I have, and Erich Mueller, I was going to ask for your help on this. We have about 38 homes that are east of the Troutdale Bridge in Troutdale and I would like to see some numbers on how much property tax revenue comes in from those 38 homes. I have a reason for asking and I'll follow up with you.

Councilor Allen states the Regional Disaster Preparedness Organization (RDPO) meeting is coming up this September 30th and there's an agenda attached to that. Am I able to forward that agenda to the Council and if they want to comment do they just don't reply all?

Ed Trompke responds that would be the best, yes. Otherwise they could be considered a serial meeting.

Councilor Allen states so when I forward it to you just don't do a reply all. I wanted to say I do appreciate Councilor White for donating the use of scaffolding so that we could get the mural done. Thank you Councilor White.

Councilor Wilson states I was impressed with how quickly they got the mural painted and how they could get everything proportionate. They were out there last weekend when it was pouring rain and had a cover over it and were still out there working. To look at that painting it is just amazing to me. If you're downtown tomorrow at 2:00pm for the dedication it just finishes Mayor's Square.

11. ADJOURN

Councilor Wilson moves to adjourn. Seconded by Councilor Ripma. The motion passes unanimously 7-0.

Meeting adjourned 9:57pm.

Doug Daoust, Mayor

Dated: _____

DRAFT

ATTEST:

Kenda Schlaht, Deputy City Recorder

**City Council - Regular Meeting
7:00PM**

PLEASE SIGN IN

[illegible]



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: A Resolution Approving the First Amendment to the Lease Agreement with T-Mobile West LLC for the Use of Reservoir #2 as a PCS Site.

MEETING TYPE:

City Council Regular Mtg.

MEETING DATE: October 25, 2016

STAFF MEMBER: Erich Mueller

DEPARTMENT: Finance

ACTION REQUIRED

Consent Agenda Item

**ADVISORY COMMITTEE/COMMISSION
RECOMMENDATION:**

Not Applicable

PUBLIC HEARING

No

Comments:

STAFF RECOMMENDATION: Approve

EXHIBITS: First Amendment to the Water Tank Lease Agreement with T-Mobile West LLC

Subject / Issue Relates To:

☐ Council Goals

☐ Legislative

☒ Other (describe)

Issue / Council Decision & Discussion Points:

- ◆ Since 1996 the City has had a lease agreement with T-Mobile for a personal communications service (PCS) cell antenna site located on Water Reservoir #2.
- ◆ The lease provides revenue to the City and avoids a visually unattractive standalone cell tower in the neighborhood.
- ◆ The parties desire to continue the successful lease agreement for their mutual benefit.

Reviewed and Approved by City Manager:

BACKGROUND:

The City Council approved Resolution No. 1276 on August 27, 1996 approving a lease with the corporate predecessor of the current lessee, T-Mobile West LLC (T-Mobile) for a personal communications services (PCS) site on Water Reservoir #2 at 24451 Stark Street for a cellular phone antenna and rental of 400 square feet of land within the site for PCS equipment.

The 1996 lease provided for an initial term of five (5) years and three (3) five (5) year renewals for a total twenty (20) year term. The lease rental rate increased 20% at each term renewal.

T-Mobile desires to continue to operate the PCS site and has requested an amendment renewing the lease for an additional four (4) automatic renewal terms of five (5) years, maintaining the increase in rent of 20% at the beginning of each renewal term.

Effective November 1, 2016, the annual rent amount will be \$18,662 and will increase 20% at each five (5) year renewal term. These revenues that supplement the Water Utility Fund.

SUMMARY:

The lease amendment continues an existing mutually beneficial agreement providing the City lease revenue and avoids a visually unattractive standalone cell tower in the neighborhood.

PROS & CONS:

- A. Renewing the lease enhances the Water Utility Fund and presumably preserves reliable PCS service for T-Mobile customers in the immediate service area.
- B. Not adopt the resolution and either give direction to renegotiate the lease or require T-Mobile to remove the antennas. The effect to the City would be the loss of the lease revenue.

Current Year Budget Impacts ☒ Yes (describe) ☐ N/A First Year: \$18,662

Future Fiscal Impacts: ☒ Yes (describe) ☐ N/A
Future Years: 20% increase at each 5 year term renewal

Community Involvement Process: ☐ Yes (describe) ☒ N/A

FIRST AMENDMENT TO WATER TANK LEASE

Agenda Item 2.2
Exhibit A
Council Meeting 10-25-2016

THIS FIRST AMENDMENT TO WATER TANK LEASE ("First Amendment") is made and entered into on _____, 2016 ("Effective Date"), by and between the City of Troutdale ("Landlord"), and T-Mobile West LLC, a Delaware limited liability company, formerly known as T-Mobile West Corporation, a Delaware corporation, as successor in interest to Western PCS I Corporation, a Delaware corporation ("Tenant") (collectively the "Parties").

Recitals

The Parties hereto recite, declare and agree as follows:

A. Landlord and Tenant, entered into that certain Water Tank Lease dated August 28, 1996, which commenced on November 1, 1996 (the "Lease"), for approximately 400 square feet of land, tower antenna space on a water tank and space for cable runs to connect the PCS equipment and antennas, located at 24451 Stark Street, Troutdale, OR 97060 (the "Site").

B. Landlord and Tenant desire to enter into this First Amendment in order to modify and amend certain provisions of the Lease.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant covenant and agree as follows:

1. Addition of Renewal Terms. Section 2 of the Lease is hereby amended to add four (4) additional and successive five (5) year renewal terms (collectively, the "Additional Renewal Terms" and individually each an "Additional Renewal Term"). Upon the expiration of the third Renewal Term (which the Parties acknowledge expires on October 31, 2016), the first Additional Renewal Term shall automatically commence, on the same terms and conditions of the Lease (except as modified herein), unless (i) the Lease is sooner terminated in accordance with its terms, or (ii) Tenant provides Landlord with written notice of its intention not to renew at least twelve (12) months prior to the expiration of the third Renewal Term or the then current Additional Renewal Term, as the case may be, or (iii) Landlord provides Tenant with written notice of its intention not to renew at least twelve (12) months prior to the expiration of the then current Additional Renewal Term.

2. Rent and Costs. Notwithstanding anything contained in the Lease to the contrary, effective November 1, 2016, the annual rent amount will be increased to Eighteen Thousand Six Hundred Sixty-Two Dollars and Zero Cents (\$18,662.00), payable in advance in annual installments, partial years to be pro-rated. Rent for each successive Additional Renewal Term thereafter will increase by twenty percent (20%) over the rent in effect for the preceding Renewal Term or Additional Renewal Term, as the case may be. Rent shall be payable in accordance with the terms of the Lease.

3. Notice Addresses. Notice addresses in Section 10 of the Lease are hereby deleted in their entirety and replaced with the following:

If to Tenant, to: T-Mobile USA, Inc.
12920 S.E. 38th Street
Bellevue, WA 98006
Attn.: Lease Compliance
Site No. PO01461A Stark & 242nd

If to Landlord, to: Public Works Director
City of Troutdale
342 SW 4th Street
Troutdale, OR 97060

4. Landlord Obligations. Notwithstanding anything to the contrary contained in the Lease, Landlord shall be responsible, at its sole cost and expense, for its customary routine maintenance of the Site.

5. Tenant Obligations. Notwithstanding anything to the contrary contained in the Lease, Tenant shall observe and adhere to the following requirements when conducting any work, installation, or maintenance at the Site or upgrading equipment on the Site:

- a. Provide 48-hour notice to the City of Troutdale Water Division (ph: (503) 674-3300) prior to commencing work.
- b. Access to the Site security gate and the water tank ladder shall be by request only and Tenant must make arrangements with Landlord to unlock and relock the gate each day.
- c. Tenant shall ensure that all gates, hatches, and locks are secured at the conclusion of each work day.
- d. All new and existing Tenant equipment placed on the water tank must be neatly aligned, organized, undamaged, painted to match the tank, clearly labeled with Tenant's name or logo, and equipped with bird-wire (if susceptible to perching).
- e. All trash, construction debris and waste, nuts, screws, washers, etc. must be cleaned up and removed from the tank and the Site at the completion of work.
- f. Tenant shall protect Landlord's facilities, and the facilities of other tenants, throughout the work. Any and all damage or disturbance to Landlord's facilities, or the facilities of other tenants, including, but not limited to, the tank, buildings, equipment, fencing, pavement, turf, and landscaping shall be restored promptly at Tenant's expense, to the reasonable satisfaction of the Landlord.
- g. Tenant shall contact the Troutdale Water Division (ph: (503) 674-3300) to arrange a final inspection with Landlord at the completion of work, prior to demobilizing from the Site.
- h. Notwithstanding anything to the contrary herein, in the event of an emergency, Tenant shall be permitted to access the Site after calling Landlord's 24-hour emergency number and arranging such access with the person on-call. Landlord's emergency contact phone number is 503-251-4163.

6. No Interference. No Interference. Section 4 of the Lease is hereby amended to include the following at the end of the paragraph: "Tenant shall ensure that Tenant's equipment does not cause signal interference with Landlord's radio equipment located on the water tank and operated in compliance with all applicable laws and licenses. Upon request of the Landlord, Tenant shall, within twenty-four (24) hours after Landlord notifies Tenant's Emergency Contact of the suspected interference issue, commence its investigation of the reported signal interference and cure any signal interference caused by Tenant's equipment."

7. Tenant Emergency Contact. Tenant's emergency contact phone number is 1-888-662-4662. Tenant shall inform the Landlord promptly of any changes or reassignment of this emergency contact phone number.

8. Insurance. Section 8 of the Lease is hereby deleted in its entirety and is replaced in full with the following: "Tenant will procure and maintain a commercial general liability policy, with coverage limits of at least One Million and 00/ 100 Dollars (\$1,000,000.00) for each occurrence, One Million and 00/100 Dollars (\$1,000,000.00) for property damage, Three Million and 00/100 Dollars (\$3,000,000.00) general aggregate, with a certificate of insurance to be furnished to Landlord annually at least thirty (30) days prior to expiration. Such policy will provide that cancellation will not occur without at least thirty (30) days prior written notice to Landlord. Landlord shall be listed as an additional insured party on Tenant's commercial general liability policy."

9. Assignment and Subleasing. Section 13 of the Lease is hereby modified to include the following provisions:

Landlord shall have the right to assign and transfer this Lease only to a successor owner of the Property. Only upon Tenant's receipt of written verification of a sale, or transfer of the Site shall Landlord be relieved of all liabilities and obligations and Tenant shall look solely to the new Landlord for performance under this Lease. Notwithstanding anything to the contrary herein, Tenant may, without Landlord's consent, assign this Lease to any corporation, partnership or other entity which (i) is controlled by, controlling or under common control with Tenant, (ii) shall merge or consolidate with or into Tenant, (iii) shall succeed to all or substantially all the assets, property and business of Tenant, or (iv) is an affiliate or subsidiary or other party as may be required in connection with any offering, merger, acquisition, recognized security exchange or financing.

Tenant shall notify Landlord in writing within ninety (90) days of Tenant's assignment of this Lease and include contact information (telephone, post-mail address and email address) of the assignee.

10. Terms; Conflicts. The terms and conditions of the Lease are incorporated herein by this reference, and capitalized terms used in this First Amendment shall have the same meanings such terms are given in the Lease. Except as specifically set forth herein, this First Amendment shall in no way modify, alter or amend the remaining terms of the Lease, all of which are ratified by the Parties and shall remain in full force and effect. To the extent there is any conflict between the terms and conditions of the Lease and this First Amendment, the terms and conditions of this First Amendment will govern and control.

11. Approvals. Landlord represents and warrants to Tenant, that the consent or approval of no third party, including, without limitation, a lender, is required with respect to the execution of this First Amendment, or if any such third party consent or approval is required, Landlord has obtained any and all such consents or approvals.

12. Amended Memorandum. Landlord agrees to execute and deliver to Tenant a recordable amended Memorandum of this First Amendment to the Lease ("Amended Memorandum") in the form attached hereto as Exhibit D-1, evidencing the Additional Renewal Terms. Tenant may record the Amended Memorandum at its sole cost and expense.

THE REMAINDER OF THIS PAGE SHALL REMAIN BLANK

13. Authorization. The persons who have executed this First Amendment represent and warrant that they are duly authorized to execute this First Amendment in their individual or representative capacity as indicated.

IN WITNESS WHEREOF, the Parties have executed First Amendment on the day and year first written above.

Landlord:

City of Troutdale

Tenant:

**T-Mobile West LLC,
a Delaware limited liability company**

By: _____

Name: _____

Title: _____

Date: _____

By: _____

Name: _____

Title: _____

Date: _____

EXHIBIT D-1

FORM OF MEMORANDUM OF FIRST AMENDMENT TO WATER TANK LEASE

After Recording, Mail To:

T-Mobile USA, Inc.

12920 SE 38th Street

Bellevue, WA 98006

Attn: Lease Compliance

Site No: PO01461A

APN: R322103 (1N3E35CC 05300)

Recorded Document(s): None

MEMORANDUM OF FIRST AMENDMENT TO WATER TANK LEASE

This memorandum evidences that a first amendment to that certain Water Tank Lease dated August 8, 1996 (the "Lease") was entered into by and between the **City of Troutdale** ("Landlord"), and **T-Mobile West LLC, a Delaware limited liability company**, formerly known as T-Mobile West Corporation, a Delaware corporation, as successor in interest to Western PCS I Corporation, a Delaware corporation ("Tenant"), for a portion of the real property ("Property") as legally described on Exhibit A, attached hereto and incorporated herein for all purposes.

The Parties entered into that certain first amendment to the Lease to among other terms, extend the term of the Lease with four (4) additional and successive five (5) year renewal terms (collectively, the "Additional Renewal Terms" and individually each an "Additional Renewal Term"). Upon the expiration of the third Renewal Term on October 31, 2016, the first Additional Renewal Term shall automatically commence, on the same terms and conditions of the Lease, unless sooner terminated in accordance with its terms.

This memorandum is not a complete summary of the Lease. It is being executed and recorded solely to give public record notice of the existence of the Lease with respect to the Property. Provisions in this memorandum shall not be used in interpreting the Lease provisions and in the event of conflict between this memorandum and the said unrecorded Lease, the unrecorded Lease shall control.

This memorandum may be signed in any number of counterparts, each of which shall be an original, with the same effect as if the signatures thereto were upon the same instrument.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the Parties have executed this memorandum on the day and year last signed below.

LANDLORD:

TENANT:

City of Troutdale

**T-Mobile West LLC,
a Delaware limited liability company**

By: _____

Name: _____

Title: _____

Date: _____

By: _____


Name: _____

Title: _____

Date: _____

[Landlord Notary block for a Corporation, Partnership, or Limited Liability Company]

This instrument was acknowledged before me on _____ by _____, [title] _____ of the City of Troutdale, a _____, on behalf of said municipality.



My commission expires _____

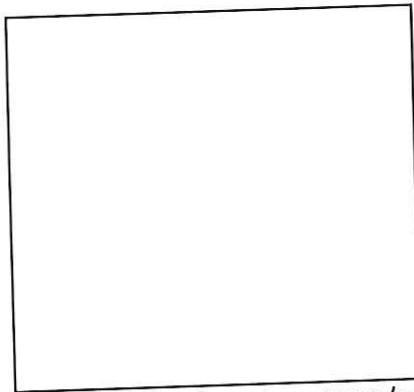
PO01461A Stark & 242nd

[Notary block for Tenant]

STATE OF OREGON)
) ss.
COUNTY OF _____)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the _____ of T-Mobile West LLC, a Delaware limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____



(Use this space for notary stamp/seal)

Notary Public

Print Name _____

My commission expires _____

EXHIBIT A

TO

MEMORANDUM OF FIRST AMENDMENT TO WATER TANK LEASE

The Property is legally described as follows:

PARCEL I:

A tract of land situated in the southwest one-quarter of Section 35, Township 1 North, Range 3 East of the Willamette Meridian, more particularly described as follows:

COMMENCING at a point on the Base Line 1022.30 feet East of the Southwest corner of said Section 35; thence North $1^{\circ}19'40''$ East parallel with the West line of a 12 acre tract heretofore conveyed to Ivan J. Korsund and Hazel Korsund, husband and wife and Lloyd Bjur and Idamae Bjur, husband and wife on May 6, 1947 and recorded in Book 1169, Page 281, Deed Records of Multnomah County, a distance of 357.38 feet to the point of beginning of the tract herein to be described; thence North $88^{\circ}35'50''$ West parallel with the South line of said Section 35, a distance of 159.00 feet to a point in the West line of the above mentioned 12 acre tract; thence North $1^{\circ}19'40''$ East along said West line, a distance of 79.62 feet; thence South $88^{\circ}35'50''$ East parallel with the south line of said Section 35, a distance of 159.00 feet; thence South $1^{\circ}19'40''$ West 79.62 feet to the point of beginning.

PARCEL II:

A tract of land, situated in the Southwest one-quarter of Section 35, Township 1 North, Range 3 East of the Willamette Meridian in the County of Multnomah and State of Oregon, more particularly described as follows:

COMMENCING at a point on the Baseline, 1022.30 feet East of the southwest corner of said Section 35; thence North $1^{\circ}19'40''$ East parallel with the west line of a 12 acre tract heretofore conveyed to Ivan J. Korsund and Hazel Korsund, husband and wife and Lloyd Bjur and Idamae Bjur, husband and wife on May 6, 1947 and recorded in Book 1169, Page 281, Deed Records of Multnomah County, a distance of 357.38 feet to the point of beginning of tract herein to be described; thence North $88^{\circ}35'50''$ West parallel with the south line of said Section 35, a distance of 159.00 feet to a point in the west line of the above mentioned 12 acre tract; thence South $1^{\circ}19'40''$ West 16.38 feet; thence South $88^{\circ}35'50''$ East 159.00 feet; thence North $1^{\circ}19'40''$ East 16.38 feet to the point of beginning.

RESOLUTION NO.

A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE LEASE AGREEMENT WITH T-MOBILE WEST LLC FOR THE USE OF RESERVOIR #2 AS A PCS SITE.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City has an established lease agreement with T-Mobile West LLC (T-Mobile) for a personal communications service (PCS) site located on Water Reservoir #2 which provides cellular phone services in the surrounding area.
2. The lease agreement was originally approved by Resolution No. 1276 in 1996, and provided for an initial term of five (5) years and three (3) renewal terms of five (5) years.
3. T-Mobile has requested an amendment renewing the lease for an additional four (4) automatic renewal terms of five (5) years, with an increase in rent of 20% at the beginning of each renewal term.
4. A renewal of the lease is in the best interest of the City, providing lease revenue and avoiding the adverse visual impact on the neighborhood of the construction of a replacement cell tower.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. Approves the First Amendment to the Water Tank Lease Agreement with T-Mobile West LLC for the continued use of Reservoir #2 as a PCS site, in substantial conformity with Exhibit A of the Staff Report.

Section 2. Designates the Craig Ward, City Manager or Erich Mueller, Finance Director (each a "City Official") or a designee of the City Official, to act on behalf of the City, and without further action by the City Council the City Official is hereby authorized, empowered and directed to sign the lease amendment on behalf of the City, and any and all other required and necessary documents to implement the intent of the agreement.

Section 3. The City Official is hereby authorized to execute, acknowledge and deliver the lease amendment in substantial conformity with Exhibit A of the Staff Report, including any other supporting and implementing documents, and to take any other action as may be advisable, convenient, necessary, or appropriate to give full force and effect to the terms and intent of the lease amendment, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 4. Further, consistent with intent of the lease amendment, and in the best interest of the City, the City Official is authorized to determine, execute, acknowledge and deliver any subsequent addendums, extension, revisions, modification, or successor documents of the lease amendment, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 5. The Finance Director is authorized, as necessary to fulfill the lease amendment obligations, and is further directed to implement all such actions necessary to ensure budgetary compliance.

Section 6. This Resolution shall be effective upon adoption.

YEAS:
NAYS:
ABSTAINED:

Doug Daoust, Mayor

Date

Sarah Skroch, City Recorder
Adopted:



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: A Resolution authorizing the Mayor to execute an intergovernmental agreement with the Port of Portland for the warranty of the public improvements associated with the Troutdale Reynolds Industrial Park Phase II

MEETING TYPE:
City Council Regular Mtg.

MEETING DATE: October 25, 2016

STAFF MEMBER: Hultin
DEPARTMENT: Public Works

ACTION REQUIRED
Consent Agenda Item

ADVISORY BOARD/COMMISSION RECOMMENDATION:
Not Applicable

PUBLIC HEARING
No

Comments:

STAFF RECOMMENDATION: Adopt the proposed resolution

EXHIBITS:
A. None

Subject / Issue Relates To:

☐ Council Goals

☐ Legislative

☒ Other (Public Improvements)

Issue / Council Decision & Discussion Points:

- ◆ Accept or reject the proposed IGA as the instrument to guaranty the Port of Portland's warranty of the TRIP Phase II public improvements

BACKGROUND:

Public improvements associated with the Troutdale Reynolds Industrial Park Phase II (TRIP) are nearing completion. The Port of Portland is required by the Troutdale Development Code to

provide a guaranteed warranty against defects in materials and workmanship for the public improvements to run for a period of two years after completion.

Typically, private developers provide this warranty in the form of a surety bond, and the Troutdale Development Code specifies that the warranty shall be backed by a financial guarantee in the form of a bond, cash deposit or irrevocable letter of credit. The Port of Portland, in the interest of saving the public the cost of bonding, proposes an intergovernmental agreement (IGA) to guaranty the required warranty in lieu of a bond. The City Council approved a similar IGA for the warranty for TRIP Phase I, and more recently the Council approved an IGA as the instrument for the Performance Bond for TRIP Phase II.

The Port of Portland prepared and proposed the attached IGA, based on a similar warranty IGA the Port provided for TRIP Phase I. The City's legal staff has reviewed the proposed IGA and found the instrument to be in order.

PROS & CONS OF ACCEPTING THE IGA:

Pros:

- Responsive to the Port's desire to provide the warranty in the form of an IGA rather than the typical bond or cash deposit
- Saves the Port of Portland the cost of issuing a bond to secure the warranty
- The City Council has approved IGA's with the Port in lieu of bonds in previous similar circumstances for the TRIP subdivisions.

Cons:

- May not be as secure as a bond underwritten by an independent surety

Current Year Budget Impacts ☐ Yes (describe) ☒ N/A

Future Fiscal Impacts: ☐ Yes (describe) ☒ N/A

City Attorney Review: ☒ Yes ☐ N/A

Community Involvement Process: ☐ Yes (describe) ☒ N/A

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE PORT OF PORTLAND FOR THE WARRANTY OF THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE TROUTDALE REYNOLDS INDUSTRIAL PARK PHASE II

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Construction of the public improvements associated with the Troutdale Reynolds Industrial Park Phase I (TRIP) are nearing completion by the Port of Portland.
2. The Port of Portland is required by the Troutdale Development Code (TDC) to provide a warranty against defects in materials and workmanship for the public improvements for a period of two years following completion.
3. The Port of Portland has proposed an Intergovernmental Agreement (IGA) to guaranty their warranty obligations to the City in lieu of the typical instruments specified by the TDC.
4. The City's legal staff has reviewed the proposed IGA and finds it to be in order.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. The Mayor is authorized to execute an intergovernmental agreement with the Port of Portland for the warranty of the public improvements associated with the Troutdale Reynolds Industrial Park Phase II in substantial conformance with the Attachment A hereto.

Section 2. This resolution is effective upon adoption.

YEAS:

NAYS:

ABSTAINED:

Doug Daoust, Mayor

Date

Sarah Skroch, City Recorder

Adopted:

INTERGOVERNMENTAL AGREEMENT

FINANCIAL ASSURANCE IN SUPPORT OF CERTIFICATE OF COMPLETION

TRIP PHASE II PUBLIC IMPROVEMENTS

Project Title: Troutdale Reynolds Industrial Park	("TRIP")
Phase II Public Improvements	("Project")
City File No. 12-031	
Parties: The Port of Portland	("Port")
The City of Troutdale	("City")

Recitals

A. The Port has completed that portion of the Project improvements which are identified as "Public Works Requirements" in Section 4 of the Conditions of Approval set forth in the October 10, 2012 Findings of Fact and Final Order in the matter of TRIP Subdivision Phase II, regarding the Port's application to re-plat Tract D of TRIP Subdivision Phase I. As further described on the attached Exhibit A, such improvements are collectively referred to as the "**Improvements**" below.

B. The City Director of Public Works has verified that the Improvements have been constructed in accordance with the applicable construction drawings, standards, and specifications.

C. Troutdale Development Code (the "**Code**") Section 7.410.B requires that, prior to the City's issuance of a Certificate of Completion for the Project, a financial assurance be submitted in an amount which is not less than ten percent of the cost of the Improvements. Such financial assurance must run for a period of at least two years following the City's issuance of the Certificate of Completion, and must require the Port to promptly correct all deficiencies of workmanship and materials within the Project for that period.

D. The parties intend that this Intergovernmental Agreement (the "**Agreement**") solely and satisfactorily represent the financial assurance required under Code Section 7.410.B for the Project, in lieu of the Port providing any other form of financial instrument to accomplish such purpose.

Agreement

1. **Completion Financial Assurance; Amount**

a. Completion Financial Assurance. Consistent with Code Section 7.410.B, for a period of two years following the date of the City's issuance of the Certificate of Completion for the Project, and subject to the amount set forth in Section 1b below, the Port will correct or cause to be corrected all deficiencies of Project workmanship and materials (the "**Completion**

Financial Assurance”). The Port will have no obligations under this Section 1 after such time period.

b. Amount. For purposes of Code Section 7.410.B, the cost of the Improvements is deemed to be \$3,708,000. Ten percent (10%) of such cost is \$370,800; therefore, the amount of the Completion Financial Assurance is \$370,800.

2. **Acceptance of Completion Financial Assurance.** The City accepts the Completion Financial Assurance in satisfaction of the Port’s obligation to provide a financial assurance under Code Section 7.410.B, in lieu of requiring any other form of financial assurance such as a surety bond, cashier’s check, certified check, irrevocable letter of credit, or other instrument. The City waives any requirement that the Completion Financial Assurance be provided in any other form, whether such requirement arises under the Code or any other authority. This waiver applies exclusively to the Project and does not apply to any other, future project undertaken by the Port within the City.

3. **Effect of Completion Financial Assurance**

a. If the City discovers a defect covered by this Agreement, the City must notify the Port in writing of the nature and extent of the defect. The Port will commence the correction of the defect identified in the City’s notice within 15 business days after receiving such notice.

b. If in the City’s opinion delay in correction of the defect would cause serious loss or damage, the City must immediately notify the Port by the fastest commercially reasonable means of: (i) the nature and extent of the defect; (ii) the fact that the City believes delay in the correction of the defect would cause serious loss or damage; and (iii) the date and time by which the City expects the Port to commence correction of the defect, provided that such date and time must be at least eight business hours after the Port receives the notification. The Port will use its best efforts to commence the correction of the defect within the time period identified in the City’s notice.

c. If the Port has not commenced correction of a defect within the applicable time period under Section 3a or Section 3b above, or if the Port fails to expeditiously pursue the corrections, the City may cause the corrections to be made and may recover the reasonable cost of such corrections from the Port subject to the following conditions:

i. Before engaging City staff or a contractor to complete the corrections pursuant to Section 3c above, the City must notify the Port in writing of: (i) the Port’s failure to timely commence correction of a defect or to expeditiously pursue the correction; and (ii) the City’s intent to engage City staff or a contractor to perform the corrections. The City shall allow the Port a reasonable time after delivery of the written notice to cure its failure before engaging City staff or a contractor to perform the corrections. For purposes of this subsection, the Port will be deemed to have cured its failure if the Port has engaged Port staff or a contractor to commence the corrections.

ii. Provided notice and an opportunity to cure is provided in accordance with Section 3ci above and the City reasonably determines that the Port has not timely met all material cure requirements, then the City may demand that the Port provide advance payment to the City for costs anticipated to be actually and necessarily incurred by the City to complete the

corrections, up to the amount of the Completion Financial Assurance. Following the City's completion of the corrections, such payment may be adjusted up or down to reflect the reasonable and necessary costs actually incurred by the City to complete the corrections. The City will refund any overpayment to the Port, and the City will invoice the Port for any underpayment, provided that the Port's aggregate payment obligation will not exceed the amount of the Completion Financial Assurance. "Overpayment" and "underpayment" under this subsection will be calculated based on any difference between the advance payment made by the Port and the reasonable and necessary costs actually incurred by the City to complete the corrections.

4. **Entire Agreement; Modification.** This Agreement contains the entire understanding of the parties regarding the subject matter of this Agreement and supersedes all prior and contemporaneous negotiations and agreements, whether written or oral, between the parties with respect to the subject matter of this Agreement. This Agreement may be modified only by a written amendment signed by an authorized representative of each party.

5. **Signatures.** This Agreement may be signed in counterparts.

THE CITY OF TROUTDALE

By: _____

Doug Daoust
Mayor

Date: _____

Approved as to form
for the City of Troutdale

Counsel for the City of Troutdale

THE PORT OF PORTLAND

By: _____

Bill Wyatt
Executive Director

Date: _____

Approved as to legal sufficiency
for the Port of Portland

Counsel for the Port of Portland

Exhibit A
TRIP Phase II Subdivision - Public Improvements
Warranty Bond Asset Value
October 7, 2016

Item Description	Quantity	Unit	Estimated Value
Traffic Signage	1	LS	10,000
Bedding Material for Pipes	986	CY	25,000
Trench Cutoff Walls	108	CY	15,000
Pavement Repair, 22-Inch Depth	1249	SY	44,000
CTB Pavement	1	LS	144,000
Aggregate Base Course, 2-Inch Depth	2599	SY	10,000
Aggregate Base Course, 4-Inch Depth	4511	SY	25,000
Aggregate Base Course, 8-Inch Depth	1207	SY	11,000
Aggregate Base, 12-Inch Depth Open Graded	1595	SY	33,000
Aggregate Base Course, 18-Inch Depth	2307	SY	44,000
Level 2, 1/2 Inch Open Graded HMAC	442	Ton	42,000
Level 3, 1/2 Inch Dense Graded HMAC	2648	Ton	187,000
Tack Coat	9	Ton	9,000
Remove and Replace Troutdale Curb and Gutter	3620	LF	47,000
Curb Drop and Splash Pad	60	Each	14,000
Driveway, 8-Inch Depth Concrete	4181	SF	25,000
Sidewalk	23389	SF	88,000
Pavement Marking	1283	Each	4,000
4-Foot Chain Link Fence	200	Each	6,000
Box Culvert Headwalls at Graham Rd	1	LS	126,000
CIP Rigid Gravity Retaining Wall at Graham Rd	1	LS	33,000
12-Inch Water Pipe	58.3	Each	11,000
Adjust Air Release Valve	1	Each	1,000
Adjust Water Valve	2	Each	1,000
2-Inch Air Release Valve Assembly	2	Each	7,000
6-Inch Sanitary Sewerage Pipe	30	LF	6,000
Manhole Adjustment, Sanitary	3	LF	2,000
12-Inch Storm Drainage Pipe, RCP	181	LF	11,000
12-Inch Storm Drainage Pipe, DIP	704	LF	54,000
18-Inch Storm Drainage Pipe, RCP	74	LF	6,000
24-Inch Storm Drainage Pipe, RCP	156	LF	15,000
30-Inch Storm Drainage Pipe, RCP	433	LF	65,000
30-Inch Storm Drainage Pipe, DIP	1218	LF	254,000
36-Inch Storm Drainage Pipe, DIP	96	Each	25,000
48-Inch Storm Drainage Pipe, RCP	806	Each	193,000
48-Inch Storm Drainage Pipe, DIP	39	Each	30,000
Additional Pipe Restraints	1	LS	12,000
Storm Manhole, 48-Inch	1	Each	3,000
Storm Manhole, 48-Inch, Lined	4	Each	22,000
Storm Manhole, 54-Inch with Inlet	1	Each	4,000
Storm Manhole, 60-Inch	2	Each	9,000
Storm Manhole, 60-Inch, Lined	7	Each	62,000
Storm Manhole, 60-Inch with Inlet	1	Each	5,000
Storm Manhole, 72-Inch, Lined	3	Each	39,000

Exhibit A
TRIP Phase II Subdivision - Public Improvements
Warranty Bond Asset Value
October 7, 2016

Item Description	Quantity	Unit	Estimated Value
Storm Manhole, 84-Inch	2	Each	17,000
Storm Manhole, 84-Inch with Inlet	2	Each	18,000
Storm Manhole, 84-Inch with Inlet, Lined	1	Each	14,000
Storm Manhole, 84-Inch	2	Each	17,000
Storm Manhole, 108-Inch, Lined	1	Each	40,000
Troutdale Catch Basin	3	Each	7,000
Troutdale Catch Basin, Lined	2	Each	7,000
Troutdale Catch Basin with Solid Cover, Lined	1	Each	4,000
STS Ditch Inlet	3	Each	8,000
STS Ditch Inlet, Lined	6	Each	29,000
Catch Basin Adjustment	3	LF	2,000
29H x 45W Concrete Storm Culvert Pipes	256	LF	73,000
Graham Road Box Culvert	1	Each	123,000
Grassy Swale, 9-Foot Width	291	Each	25,000
Grassy Swale, 9-Foot Width with Membrane	541	Each	48,000
2-Cartridge Linear Storm Filter Vault(2 Cartridge)	1	Each	20,000
4-Cartridge Linear Storm Filter Vault(3 Cartridge)	1	Each	24,000
4-Cartridge Linear Storm Filter Vault(4 Cartridge)	1	Each	25,000
8-Cartridge Linear Storm Filter Vault(6 Cartridge)	1	Each	33,000
6x12 Storm Filter Vault (12 Cartridge)	1	Each	43,000
6x12 Storm Filter Vault (13 Cartridge)	1	Each	45,000
Curb and Splash Pad Modifications	1	LS	15,000
Graham Road Subtotal			2,416,000

Item Description	Qty	Unit	Value
Traffic Signage	1	LS	5,000
Bedding Material for Pipes	426	CY	11,000
Trench Cutoff Walls	249	CY	35,000
Aggregate Base Course, 4-Inch Depth	544	SY	3,000
Aggregate Base Course, 8-Inch Depth	3559	SY	34,000
Aggregate Base Course, 18-Inch Depth	1159	SY	22,000
Level 3, 1/2 Inch Dense Graded HMA	2902	Ton	205,000
Tack Coat	6.8	Ton	7,000
Troutdale Typical Curb and Gutter	3478	LF	42,000
Curb Drop and Splash Pad	80	Each	18,000
Driveway, 8-Inch Depth Concrete	4896	SF	29,000
Sidewalk	42668	SF	160,000
Pavement Marking	169	Each	1,000
6-Inch Water Pipe	24	LF	2,000
12-Inch Water Pipe	22	Each	4,000
Connection to Waterline	4	Each	20,000
2-Inch Water Meter	1	Each	2,000
Adjust Water Valve	7	Each	2,000
Fire Hydrant Assembly	4	Each	21,000



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: Annual Status Report for All City Facilities

MEETING TYPE:

City Council Regular Mtg.

MEETING DATE: 10-25-2016

STAFF MEMBER: Tim Seery Parks and
Facilities Superintendent

DEPARTMENT: Public Works

ACTION REQUIRED

Information/Discussion

**ADVISORY COMMITTEE/COMMISSION
RECOMMENDATION:**

Not Applicable

PUBLIC HEARING

No

Comments

STAFF RECOMMENDATION: None

EXHIBITS:

A. Facilities Report

Subject / Issue Relates To:

☒ Council Goals ☐ Legislative
Review and decide future of city-owned properties.

☐ Other (describe)

BACKGROUND: The City of Troutdale owns operates and maintains over 16 different facilities that are funded through the general fund, with an estimated replacement value of \$17,370,264. The City is faced with several structures that will require increasing resources in the coming fiscal years for building replacement and major building equipment/component repair and replacements. Industry standards show that five to ten percent should be set aside for building maintenance and replacement reserves.

Reviewed and Approved by City Manager:

PROS & CONS:

Pros:

- Research has proven that properly maintained facilities; costs less.
- Repairs done at failure are generally more costly and more disruptive to the public and staff than managed preplanned preventative maintenance.
- Well maintained building and structures are safer
- Increased community image

Cons

- Adequate funding has a direct impact on the general fund.

Current Year Budget Impacts ☐ Yes (*describe*) ☒ N/A

Future Fiscal Impacts: ☒ Yes (*describe*) ☐ N/A

As Facilities Equipment and infrastructure reach its useful operation and life span resources are needed for their repair and replacement.

City Attorney Approved N/A ☐ Yes

Community Involvement Process: ☐ Yes (*describe*) ☒ N/A



City Owned Facilities Worksheet

Agenda Item #2.4

10/25/16 Council Meeting

Facility Name Boy Scout Shed		Insured value \$168,732		
Address 1110 East Historic Columbia River Highway				
Building Type Wood frame on concrete slab		Roof Type composite three tab		
Year Built 1972	Building Sq Ft 1110	Lot Sq Ft		
Notes: Currently the Facility is used for storage of Boy Scout materials for community projects				
Building Features				
Structure Type framed wood		Siding Type plywood		
Roof Type composite three tab		Flooring Type concrete slab		
Number Of Bathrooms N/A		Parking Spaces N/A		
Landscaping Natural forest setting				
Notes: building needs several upgrades				
Systems				
Heating N/A		Cooling N/A		
Alarm N/A		Fire N/A		
Maintenance Needs Description	Immediate	Short Term (Less Than Five Years)	Medium Term (Less Than Ten Years)	Long Term (Less Than Twenty Years)
Upgrade electrical panel		\$ 10,000.00		
rewire building		\$ 3,000.00		
new interior lighting		\$ 2,000.00		
new siding		\$ 7,500.00		
new door	\$ 1,500.00			
Total \$	\$ 1,500.00	\$ 22,500.00	\$ 0.00	\$ 0.00

City Owned Facilities Worksheet: Boy Scout Shed



facility aerial overview



troutdale overview





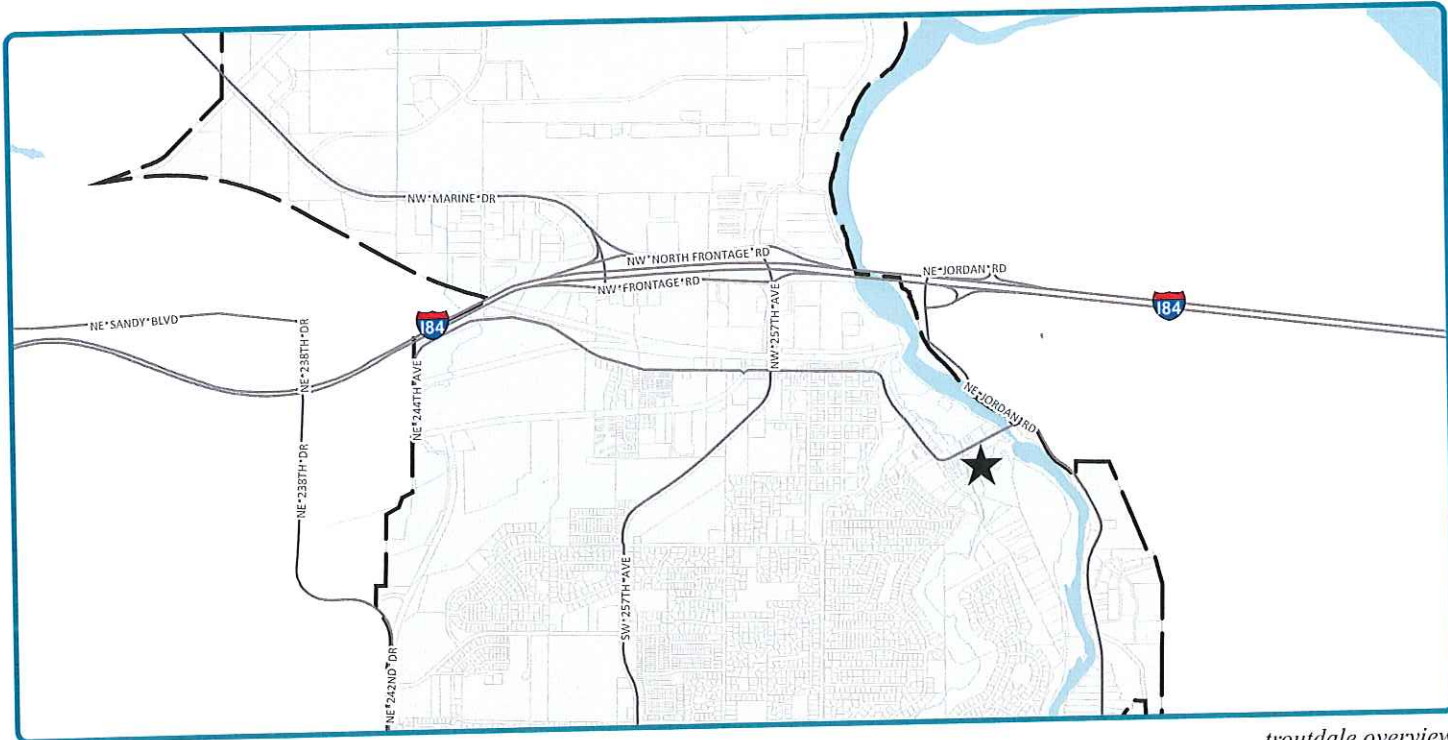
City Owned Facilities Worksheet

Facility Name Care Takers House		Insured value \$332,264.00		
Address 1110 East Historic Columbia River Highway				
Building Type Cement Masonry Block		Roof Type composite three tab		
Year Built 1972	Building Sq Ft 1944	Lot Sq Ft		
Notes: Caretaker currently takes good care of the Facility				
Building Features				
Structure Type cement masonry block		Siding Type cement masonry block		
Roof Type composite three tab		Flooring Type carpet thru out facility		
Number Of Bathrooms 1		Parking Spaces 5		
Landscaping natural forest setting with ornamental shrubs				
Notes: bathroom is need of a make over				
Systems				
Heating gas furnance		Cooling N/A		
Alarm N/A		Fire N/A		
Maintenance Needs Description	Immediate	Short Term (Less Than Five Years)	Medium Term (Less Than Ten Years)	Long Term (Less Than Twenty Years)
new bath tub and toilet	\$ 2,250.00			
new roof				\$ 7,500.00
new windows				\$ 6,000.00
new doors		\$ 3,000.00		
new carpet		\$ 4,000.00		
Total \$	\$ 2,250.00	\$ 7,000.00	\$ 0.00	\$ 13,500.00

City Owned Facilities Worksheet: Caretakers House



facility aerial overview



troutdale overview





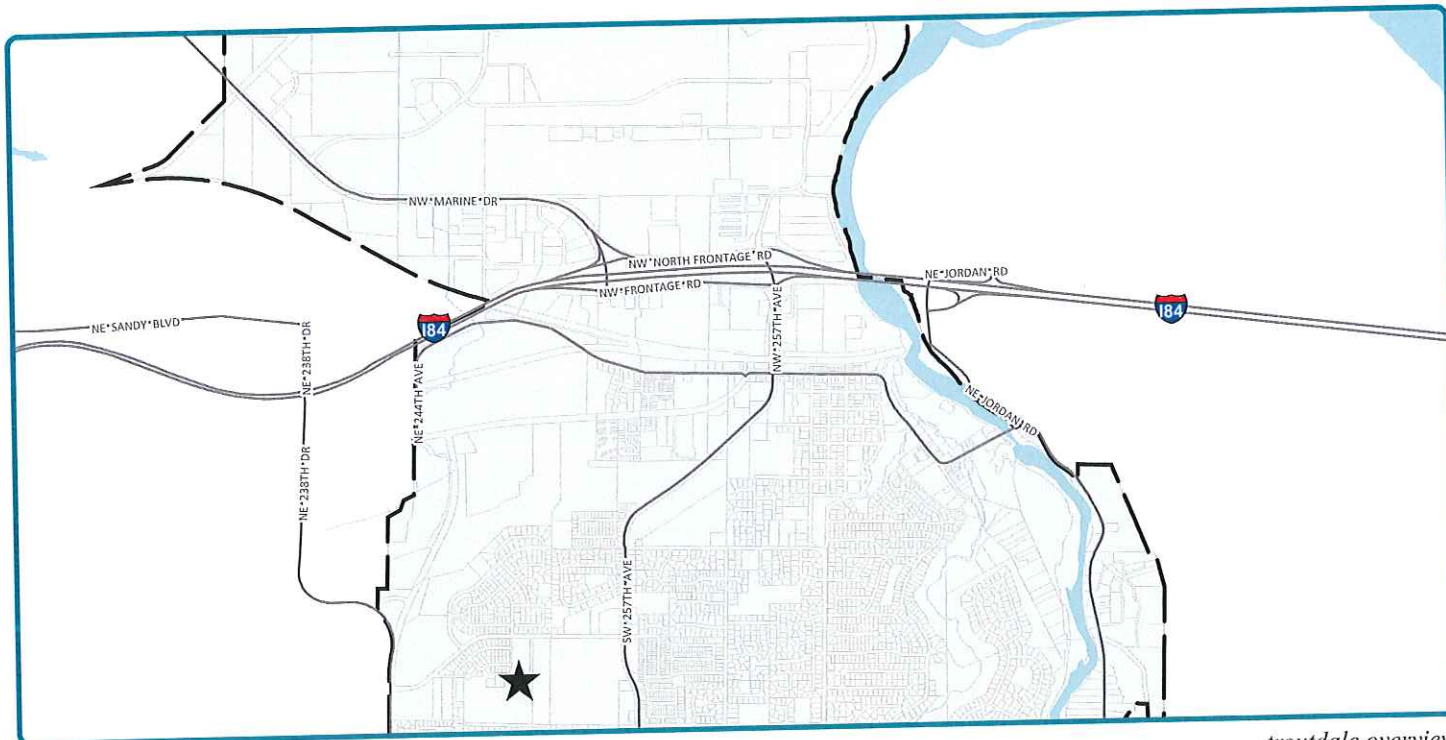
City Owned Facilities Worksheet

Facility Name Columbia Park Restrooms and Concession Stand				
Address 1900 s.w. Cherry Park Road		Insured value \$236,543.00		
Building Type Concrete Masonry block		Roof Type Formed steel		
Year Built 1996	Building Sq Ft 1350	Lot Sq Ft		
Notes: Building houses a concession stand				
Building Features				
Structure Type concrete masonry block		Siding Type concrete masonry block		
Roof Type formed steel		Flooring Type epoxy resin in the restroom, polished concrete in concession stand		
Number Of Bathrooms 1 mens 1 womens		Parking Spaces		
Landscaping natural forest setting with ornamental shrubs				
Notes: New electric hand dryers installed 2015 restrooms repainted fall 2015 camera system being installed fall 2016				
Systems				
Heating gas furnace		Cooling N/A		
Alarm N/A		Fire N/A		
Maintenance Needs Description	Immediate	Short Term (Less Than Five Years)	Medium Term (Less Than Ten Years)	Long Term (Less Than Twenty Years)
exterior paint	\$ 4,850.00			
restroom floor drains		\$ 45,000.00		
interior lighting		\$ 6,000.00		
new doors			\$ 5,500.00	
new furnace			\$ 15,000.00	
new sky lights		\$ 5,000.00		
new irrigation system				\$ 200,000.00
Total \$	\$ 4,850.00	\$ 56,000.00	\$ 20,500.00	\$ 200,000.00

City Owned Facilities Worksheet: Columbia Park Restroom and Concession Stand



facility aerial overview



troutdale overview

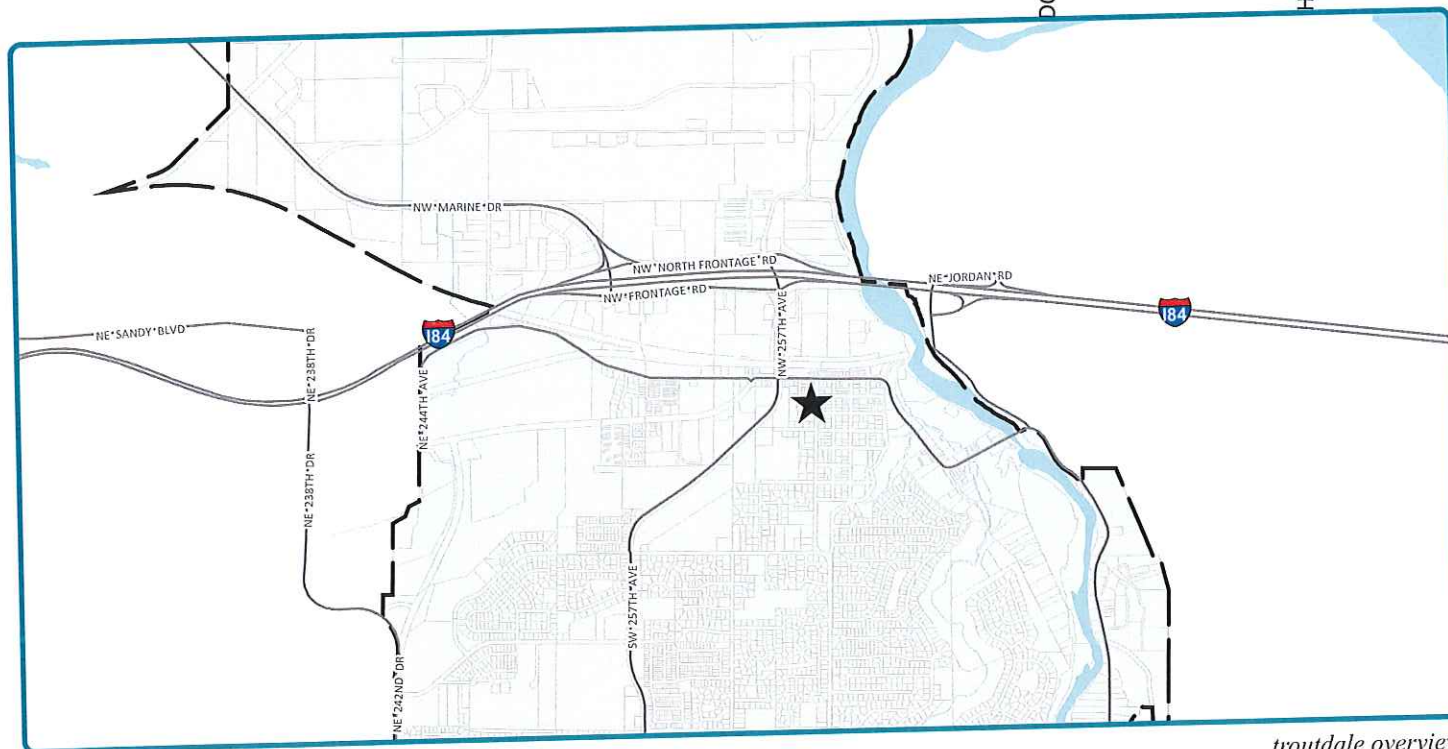
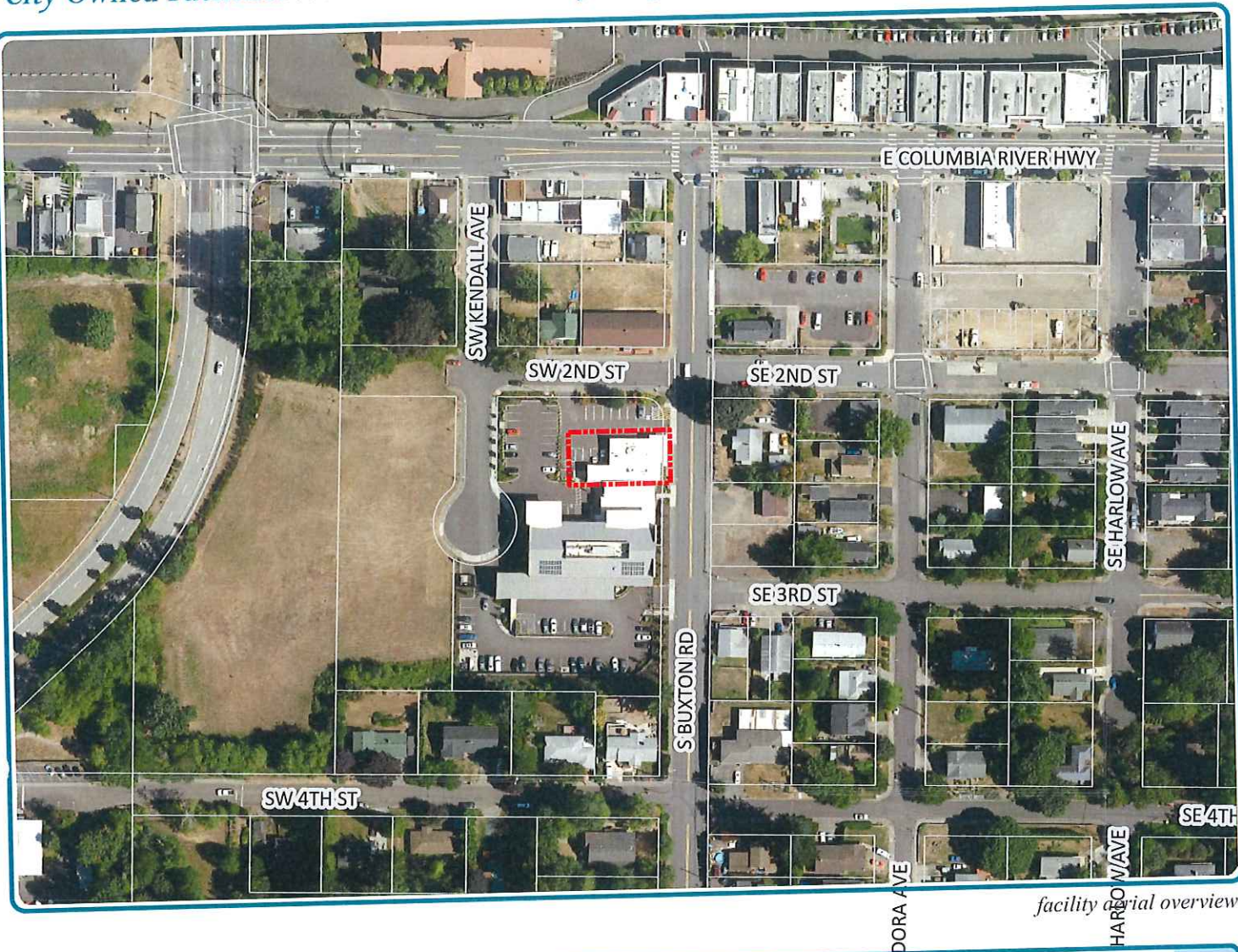




City Owned Facilities Worksheet

Facility Name Community Conference Building (CCB)		Insured value \$726,694.00		
Address 223 south Buxton road				
Building Type Concrete Masonry Block		Roof Type Membrane roofing system		
Year Built 1950	Building Sq Ft 3306	Lot Sq Ft		
Notes: Building currently houses IT and Parks and Recreation				
Building Features				
Structure Type CMU build up		Siding Type CMU block		
Roof Type rubber membrane roofing system		Flooring Type carpet		
Number Of Bathrooms 1 women's 1 men's		Parking Spaces 20		
Landscaping rose bushes front planter street tree's north planter				
Notes: Building is showing its age and needs upgrades				
Systems				
Heating Gas furnace Amana Air Command		Cooling Window units		
Alarm Honeywell intrusion sensors		Fire		
Maintenance Needs Description	Immediate	Short Term (Less Than Five Years)	Medium Term (Less Than Ten Years)	Long Term (Less Than Twenty Years)
general cleaning	\$ 4,100.00			
New interior lighting		\$ 12,700.00		
Exterior paint			\$ 22,500.00	
New window systems			\$ 16,000.00	
New front door		\$ 5,600.00		
interior paint	\$ 3,700.00			
new roof			\$ 200,000.00	
Total \$	\$ 7,800.00	\$ 18,300.00	\$ 238,500.00	\$ 0.00

City Owned Facilities Worksheet: Community Conference Building (CCB)



troutdale overview





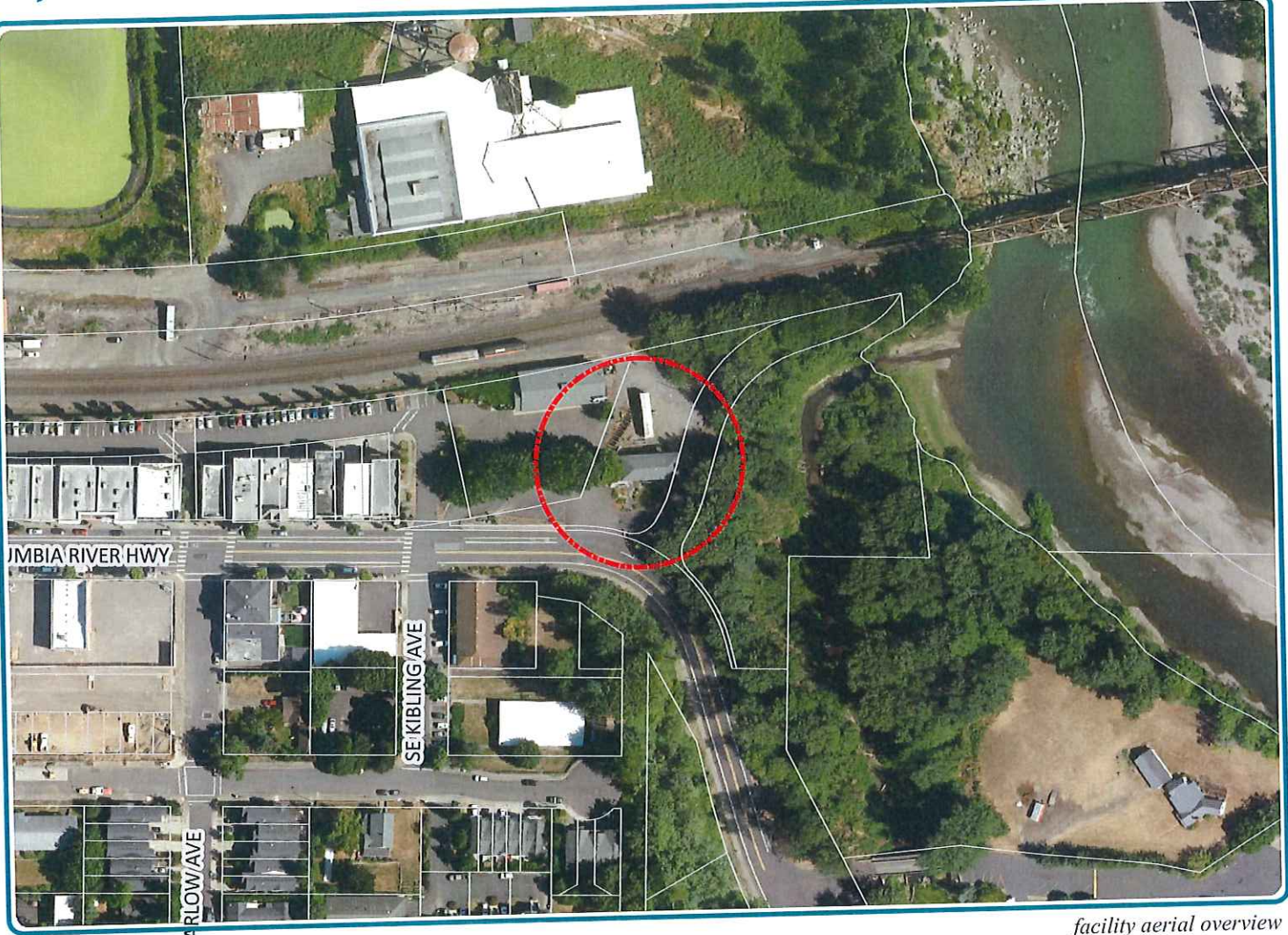




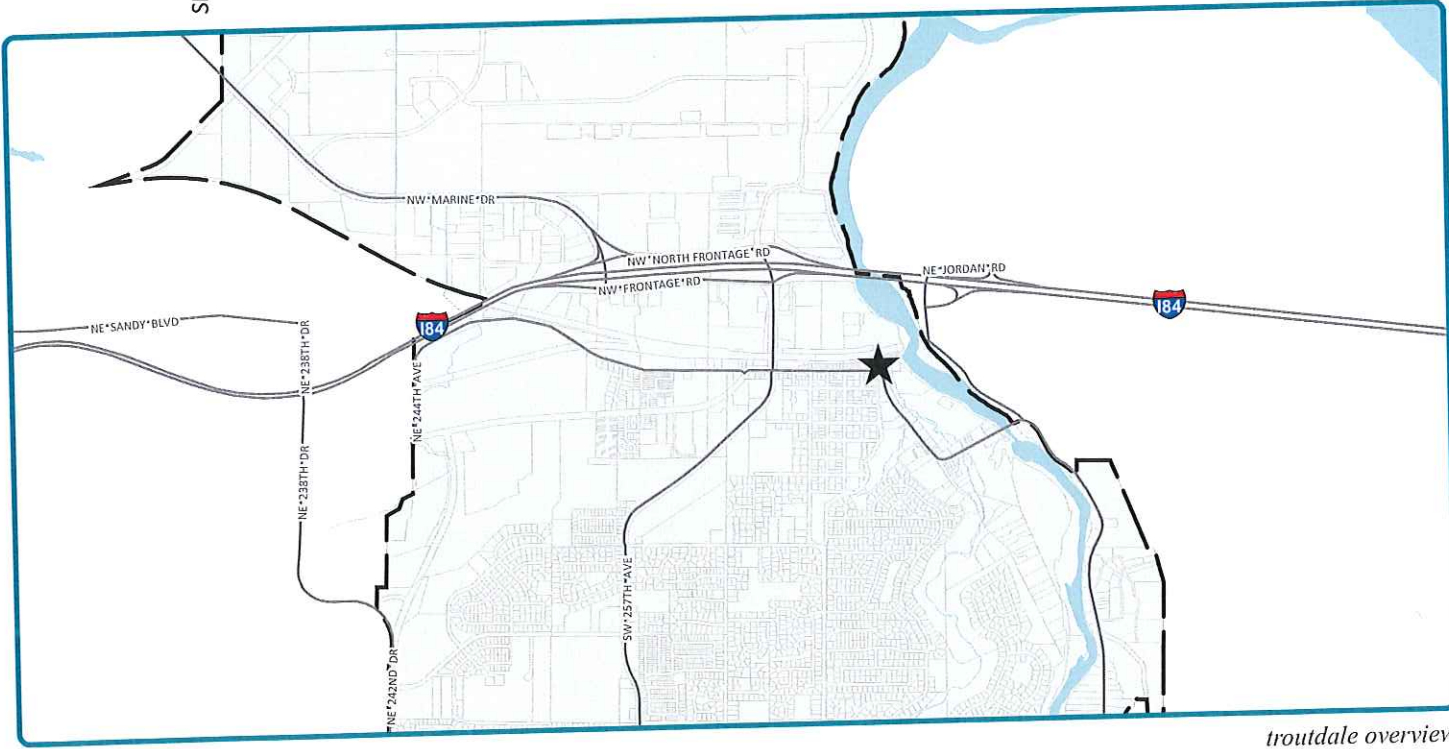
City Owned Facilities Worksheet

Facility Name Depot Museum		Insured value \$893,728.00		
Address 473 East Historic Columbia River Highway +				
Building Type Wood Frame on poured foundation		Roof Type composite three tab		
Year Built 1910	Building Sq Ft 2784	Lot Sq Ft		
Notes: building is currently being used as a Railroad Museum				
Building Features				
Structure Type Wood frame		Siding Type Wood		
Roof Type composite three tab		Flooring Type carpet in upper area, linoleum in lower museum area		
Number Of Bathrooms 1 multi use		Parking Spaces 8		
Landscaping natural river setting and ornamental beds				
Notes: Currently the building is being looked at by the Chamber of Commerce for the future Visitor center				
Systems				
Heating Gas furnace		Cooling window unit		
Alarm intrusion sensors		Fire N/A		
Maintenance Needs Description	Immediate	Short Term (Less Than Five Years)	Medium Term (Less Than Ten Years)	Long Term (Less Than Twenty Years)
repaint exterior	\$ 4,700.00			
repair storm water drain		\$ 15,000.00		
replace furnaces			\$ 25,000.00	
lighting upgrade		\$ 7,500.00		
up date restroom to ADA		\$ 15,000.00		
window replacement		\$ 5,000.00		
Total \$	\$ 4,700.00	\$ 42,500.00	\$ 25,000.00	\$ 0.00

City Owned Facilities Worksheet: Depot Museum



facility aerial overview



troutdale overview



473

Depot Park
521

DEPOT RAIL MUSEUM

IMMERSIVE
EXPERIENCE



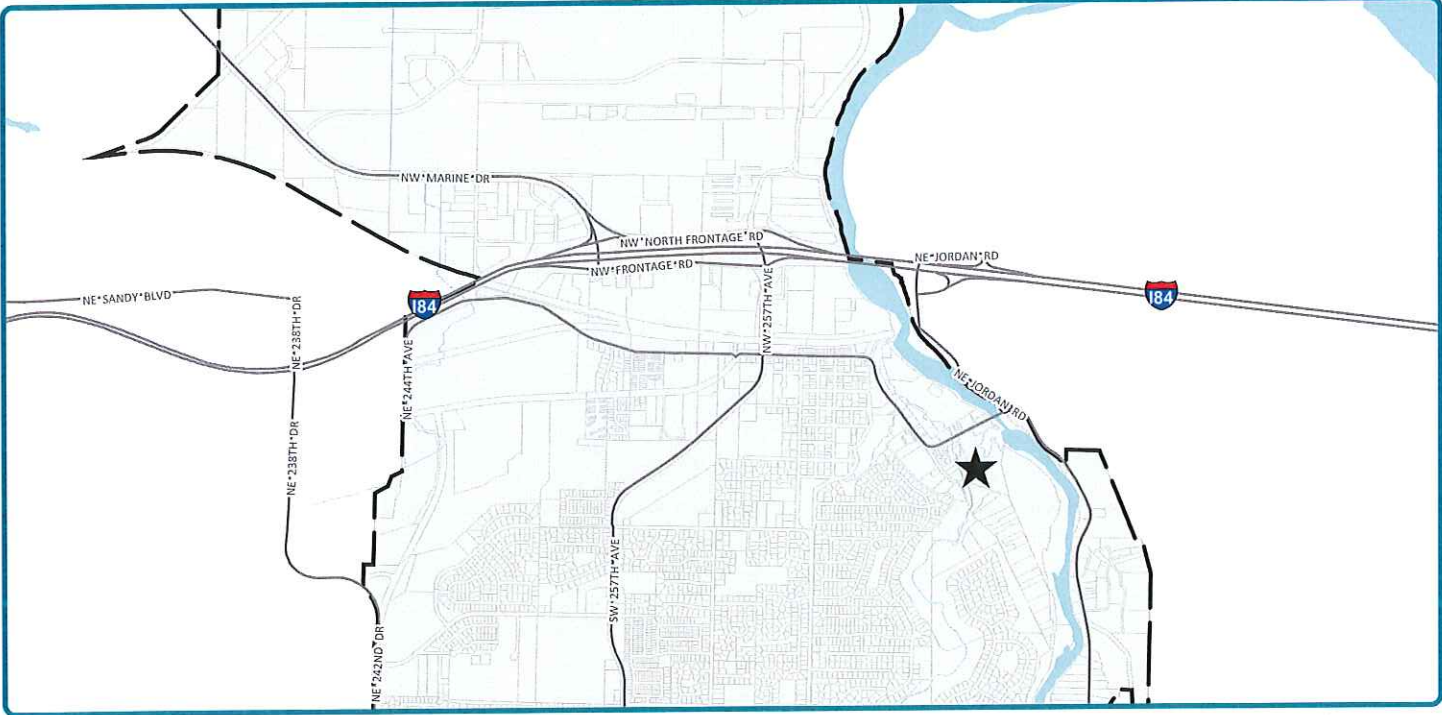
City Owned Facilities Worksheet

Facility Name Glenn Otto Park Restrooms		Insured value \$129,574.00		
Address 1106 East Historic Columbia River Highway				
Building Type Cement Masonry Block		Roof Type Formed steel roof		
Year Built 2000	Building Sq Ft 660	Lot Sq Ft		
Notes: Public restrooms serving Glenn Otto Park				
Building Features				
Structure Type Concrete Masonry block		Siding Type N/A		
Roof Type Formed Metal roof		Flooring Type polished concrete		
Number Of Bathrooms 7 mixed use restroom		Parking Spaces N/A		
Landscaping natural forest setting				
Notes: restrooms are in good condition only needing minor maintenance				
Systems				
Heating N/A		Cooling N/A		
Alarm N/A		Fire N/A		
Maintenance Needs Description	Immediate	Short Term (Less Than Five Years)	Medium Term (Less Than Ten Years)	Long Term (Less Than Twenty Years)
New doors				\$ 15,000.00
new roof				\$ 40,000.00
Total \$	\$ 0.00	\$ 0.00	\$ 0.00	\$ 55,000.00

City Owned Facilities Worksheet: Glenn Otto Park Restroom



facility aerial overview



troutdale overview

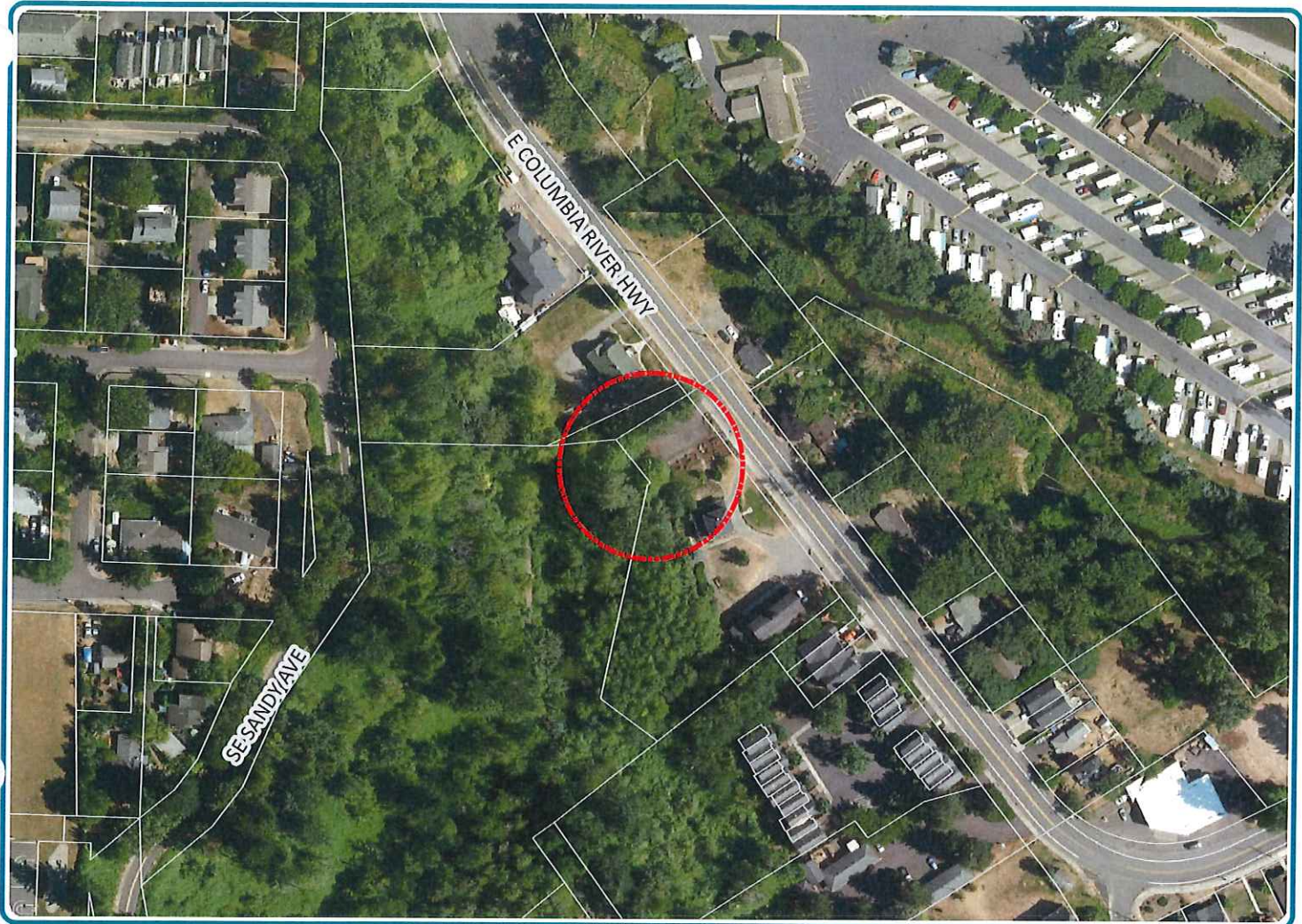




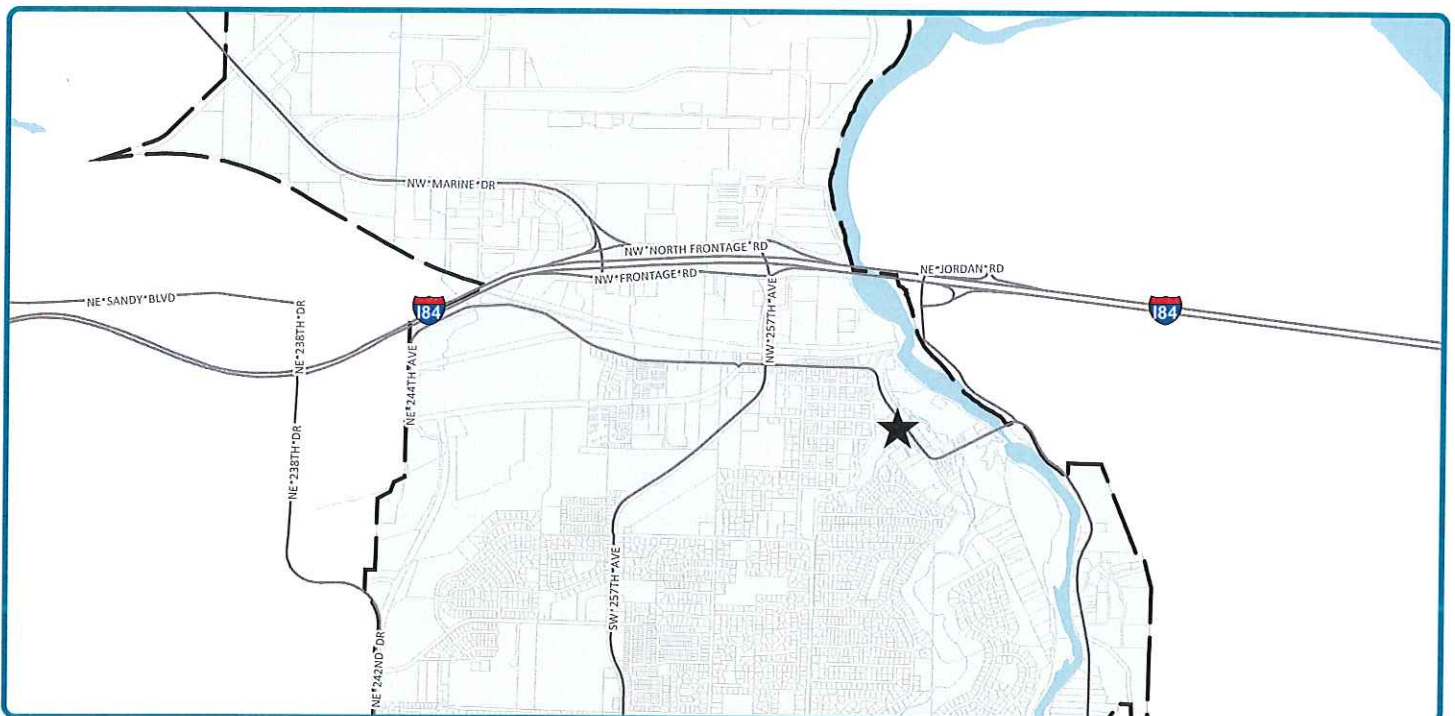
City Owned Facilities Worksheet

Facility Name Harlow House Gazebo					Insure value \$8337.00				
Address 726 East Historic Columbia River Highway									
Building Type wood frame					Roof Type cedar shake				
Year Built 1985					Building Sq Ft 80			Lot Sq Ft	
Notes: Gazebo is owned by the city and maintained by the city									
Building Features									
Structure Type wood frame					Siding Type N/A				
Roof Type cedar shake					Flooring Type wood				
Number Of Bathrooms N/A					Parking Spaces 6				
Landscaping natural forest setting with ornamental shrubs									
Notes: gazebo needs new paint									
Systems									
Heating N/A					Cooling N/A				
Alarm N/A					Fire N/A				
Maintenance Needs Description		Immediate	Short Term (Less Than Five Years)	Medium Term (Less Than Ten Years)	Long Term (Less Than Twenty Years)				
needs repainting			\$ 1,000.00						
rebuild board walk			\$ 40,000.00						
Total \$		\$ 0.00	\$ 41,000.00	\$ 0.00	\$ 0.00				

City Owned Facilities Worksheet: Harlow House Gazebo



facility aerial overview



troutdale overview





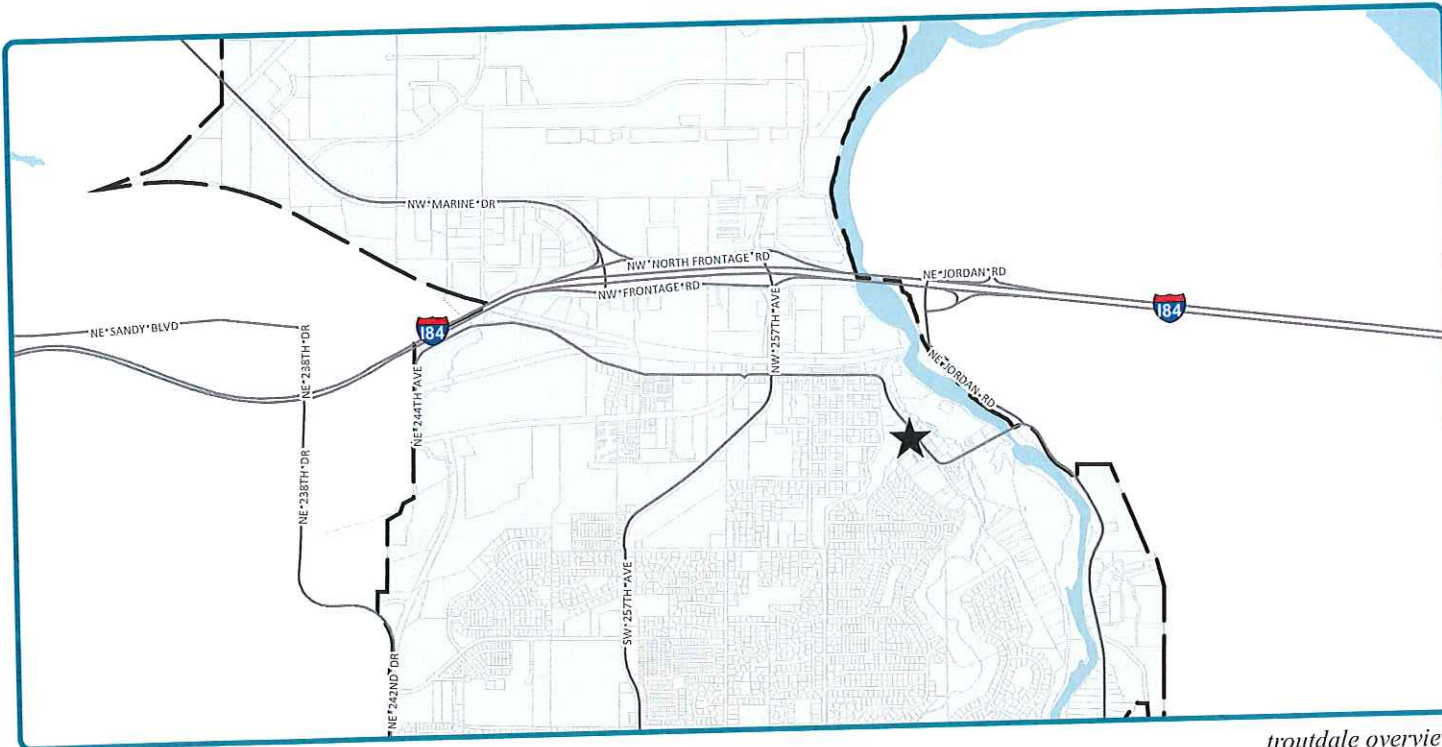
City Owned Facilities Worksheet

Facility Name Harlow House Museum		Insured value \$592,154.00		
Address 726 East Historic Columbia River Highway				
Building Type Wood Frame		Roof Type Composite three tab		
Year Built 1900	Building Sq Ft 2884	Lot Sq Ft		
Notes: Harlow house is owned by Troutdale Historic Society and is on leased city property				
Building Features				
Structure Type wood frame		Siding Type wood		
Roof Type composite three tab		Flooring Type wood		
Number Of Bathrooms 1		Parking Spaces 9		
Landscaping general shrubs and grass				
Notes: City provides no resources for maintenance				
Systems				
Heating gas furnace		Cooling N/A		
Alarm intrusion sensors		Fire N/A		
Maintenance Needs Description	Immediate	Short Term (Less Than Five Years)	Medium Term (Less Than Ten Years)	Long Term (Less Than Twenty Years)
Troutdale Historic Society maintains Facility				
Total \$	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

City Owned Facilities Worksheet: Harlow House Museum



facility aerial overview



troutdale overview





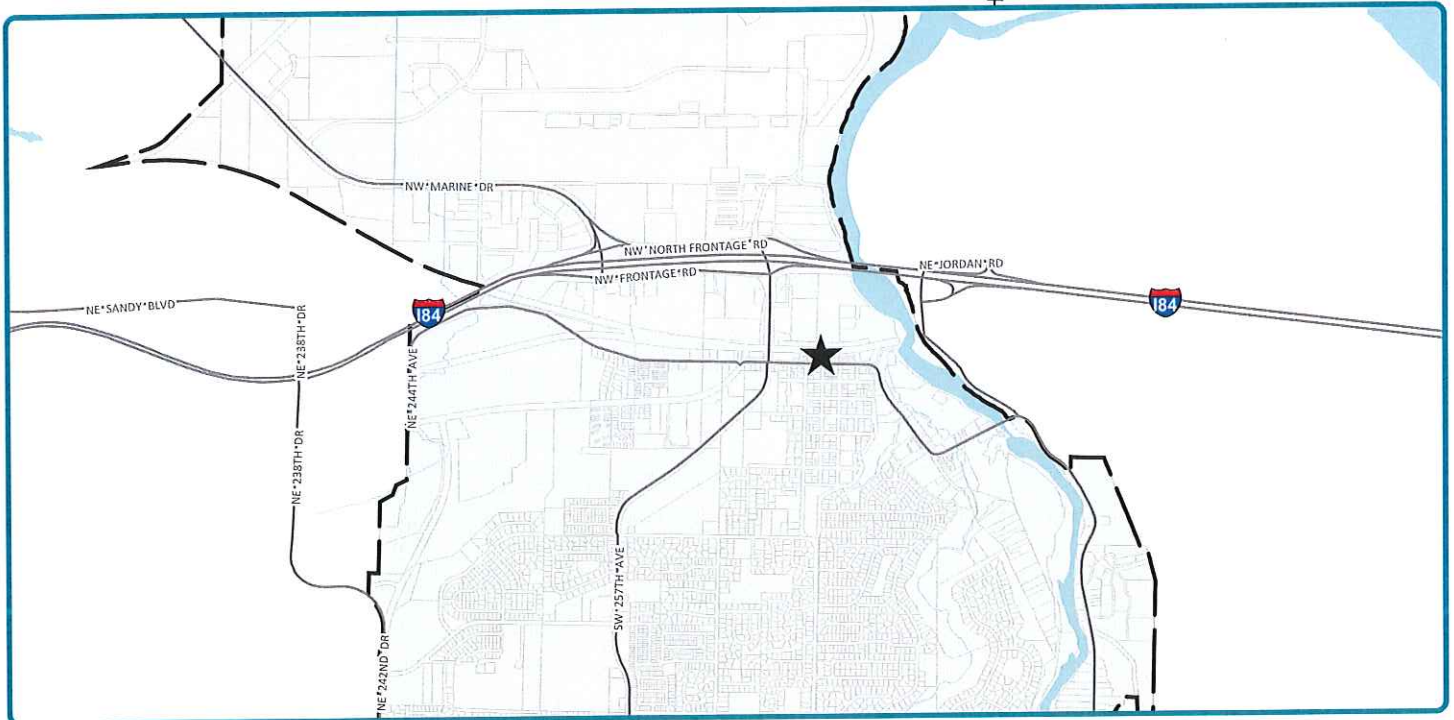
City Owned Facilities Worksheet

Facility Name				
North City Center Parking Lot				
Address				
Building Type		Roof Type		
Year Built	Building Sq Ft		Lot Sq Ft	
Notes:				
Building Features				
Structure Type		Siding Type		
Roof Type		Flooring Type		
Number Of Bathrooms		Parking Spaces		
Landscaping				
Notes:				
Systems				
Heating		Cooling		
Alarm		Fire		
Maintenance Needs Description	Immediate	Short Term (Less Than Five Years)	Medium Term (Less Than Ten Years)	Long Term (Less Than Twenty Years)
Total \$	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

City Owned Facilities Worksheet: North City Center Parking Lot



facility aerial overview



troutdale overview

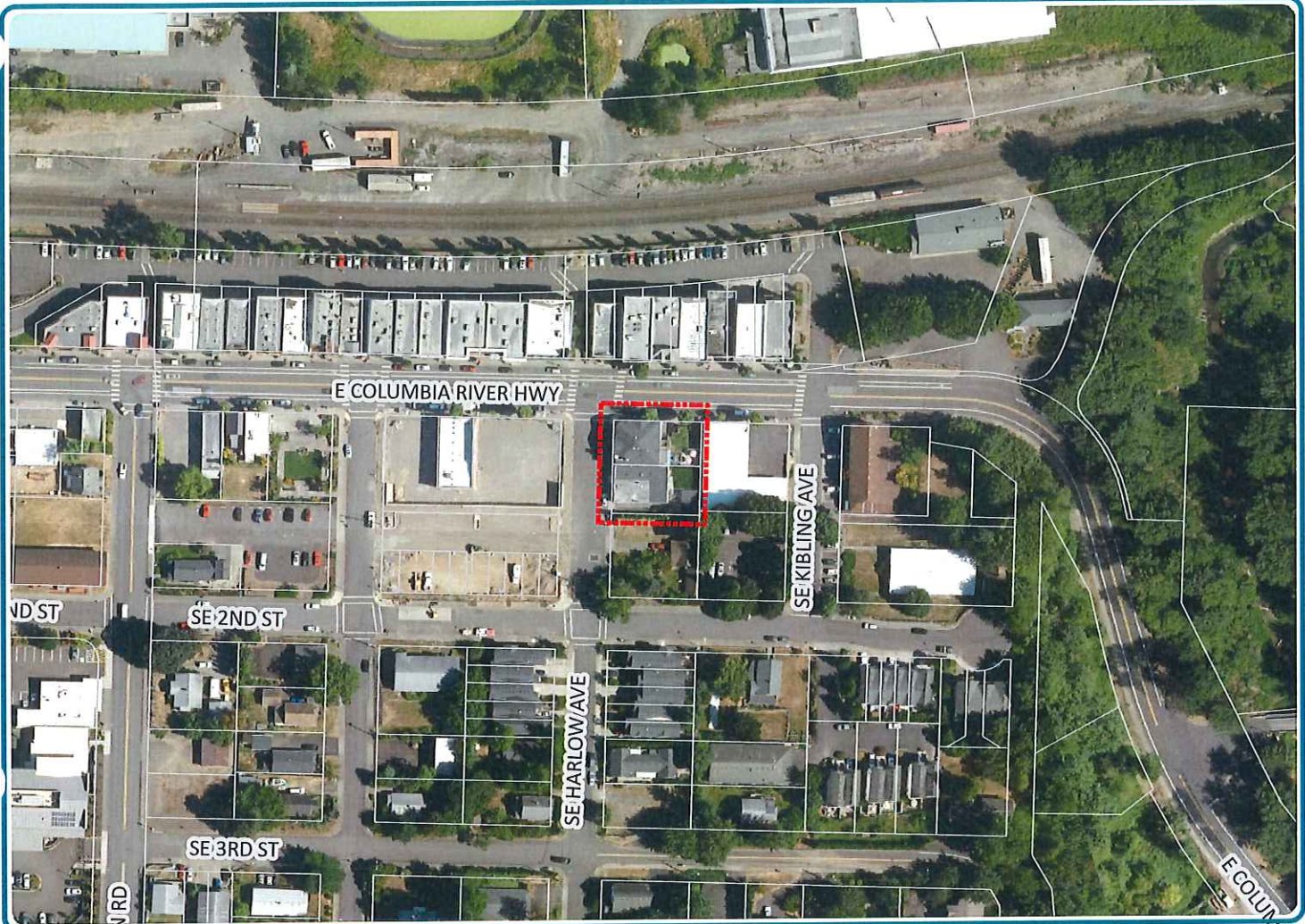




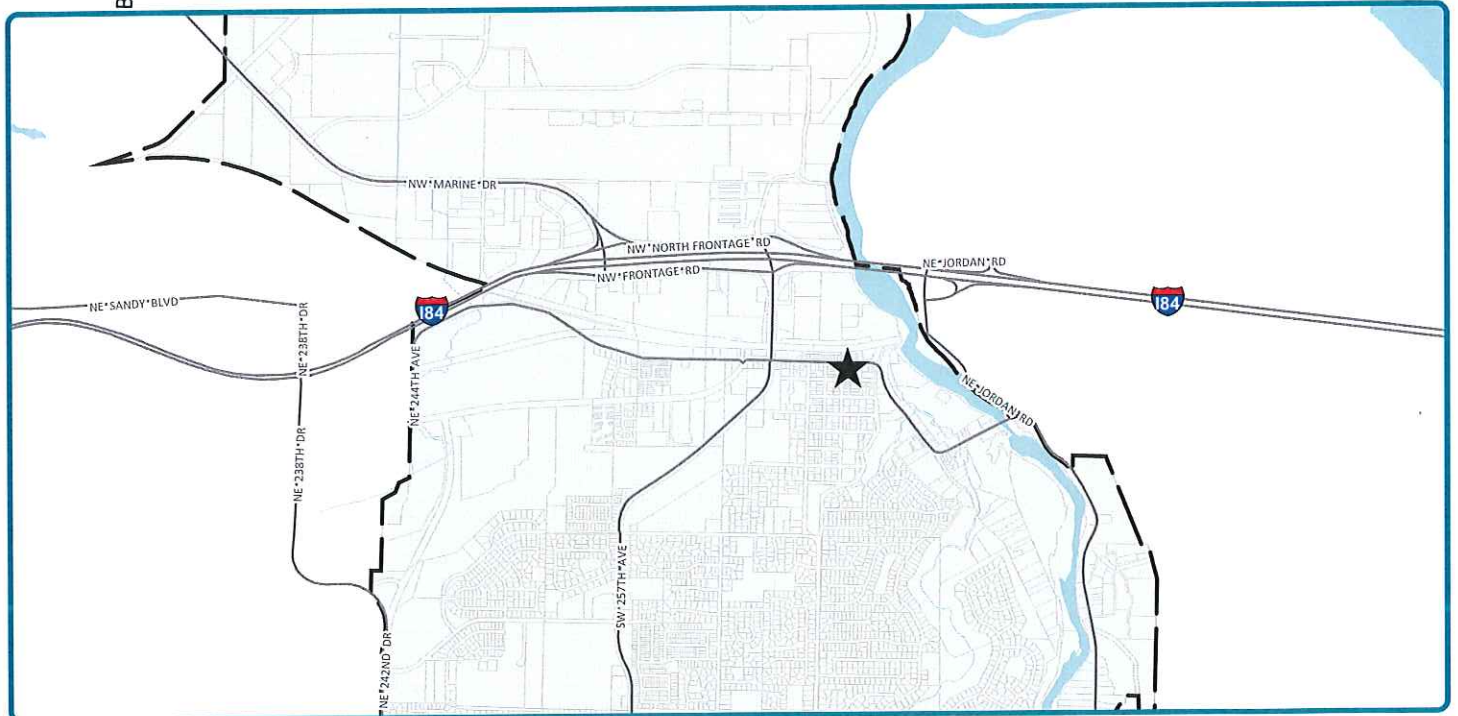
City Owned Facilities Worksheet

Facility Name Old City Hall		Insured value \$1,072,775.00		
Address 104 s.e. Kibling st.				
Building Type Wood Frame on tiered foundation		Roof Type composite three tab		
Year Built 1927	Building Sq Ft 8274	Lot Sq Ft		
Notes: Currently Facility is not in service				
Building Features				
Structure Type Wood frame		Siding Type Wood		
Roof Type composite three tab		Flooring Type carpet thru out facility		
Number Of Bathrooms 2 womens 2 mens		Parking Spaces 9		
Landscaping Natural forest setting ,ornamental beds				
Notes: Building is in severe need of a major renovation as building sits vacant				
Systems				
Heating Gas furnance and electric base board heaters		Cooling Central Air		
Alarm Intrusion alarm system		Fire audible fire system		
Maintenance Needs Description	Immediate	Short Term (Less Than Five Years)	Medium Term (Less Than Ten Years)	Long Term (Less Than Twenty Years)
Annual fire tests, alarm permits, electricity	\$ 5,000.00			
Major renovation estimate				
Total \$	\$ 5,000.00	\$ 0.00	\$ 0.00	\$ 0.00

City Owned Facilities Worksheet: Old City Hall



facility aerial overview



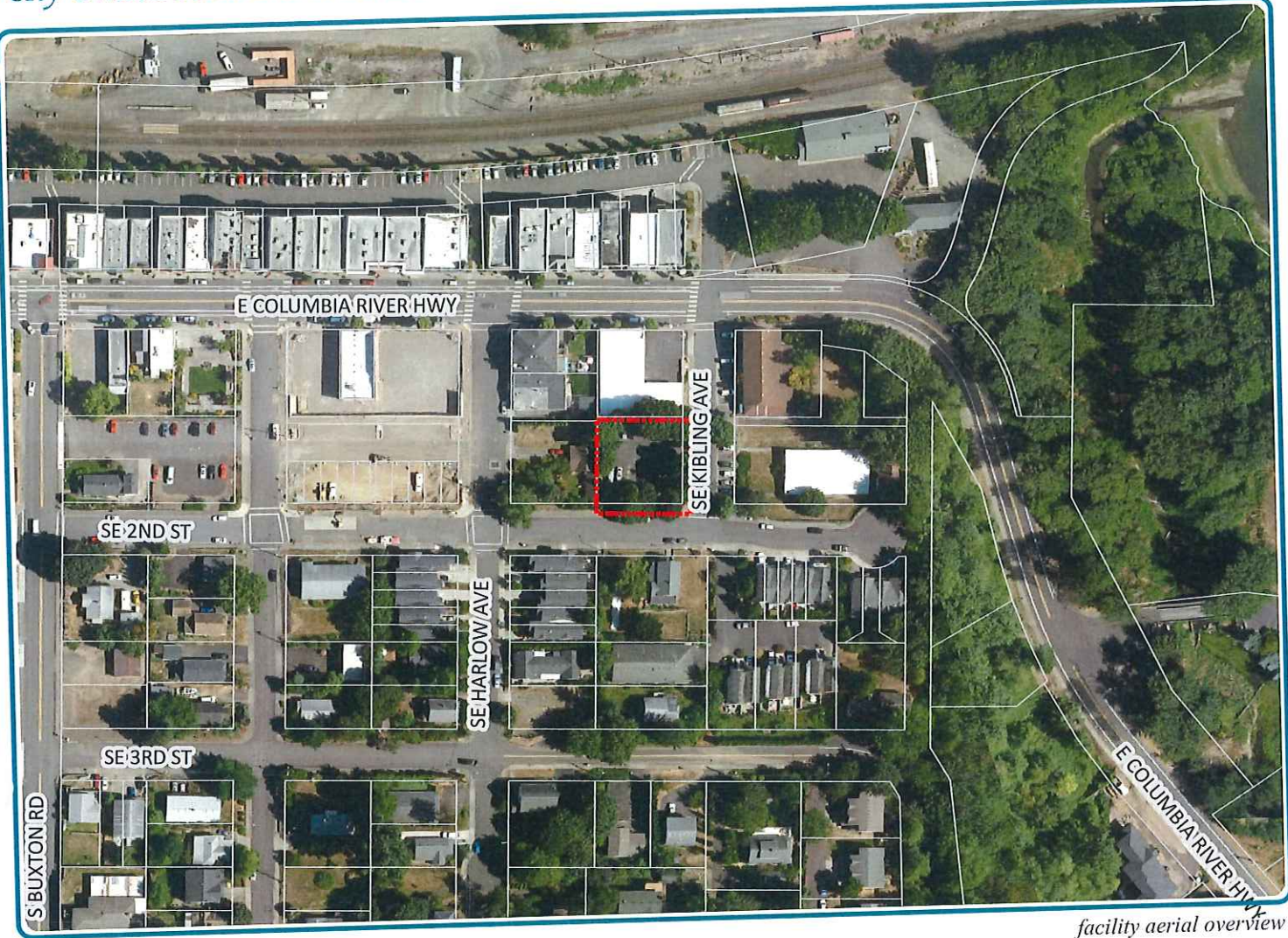
troutdale overview



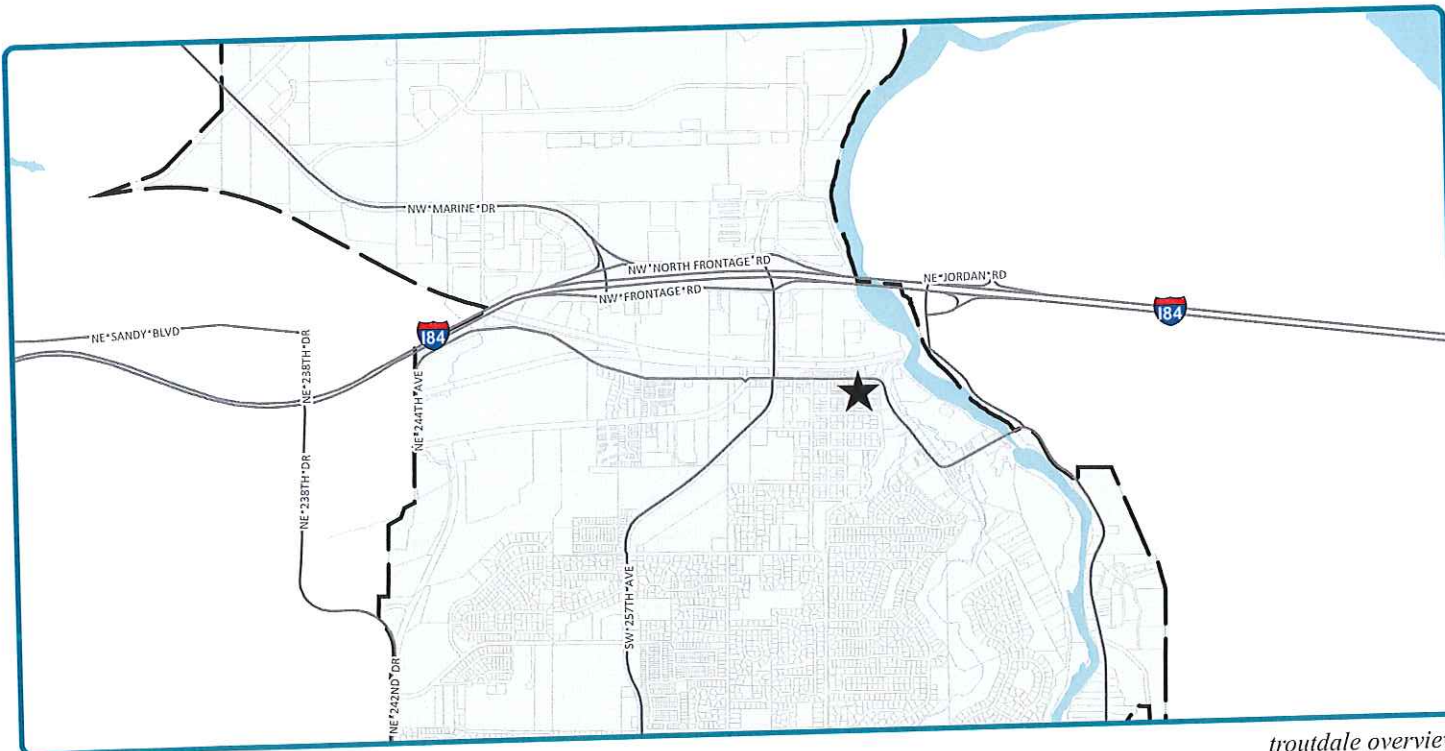


Facility Name				
Old City Hall Parking Lot				
Address				
Building Type		Roof Type		
Year Built		Building Sq Ft	Lot Sq Ft	
Notes:				
Building Features				
Structure Type		Siding Type		
Roof Type		Flooring Type		
Number Of Bathrooms		Parking Spaces		
Landscaping				
Notes:				
Systems				
Heating		Cooling		
Alarm		Fire		
Maintenance Needs Description	Immediate	Short Term (Less Than Five Years)	Medium Term (Less Than Ten Years)	Long Term (Less Than Twenty Years)
Total \$	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

City Owned Facilities Worksheet: Old City Hall Parking Lot



facility aerial overview



troutdale overview

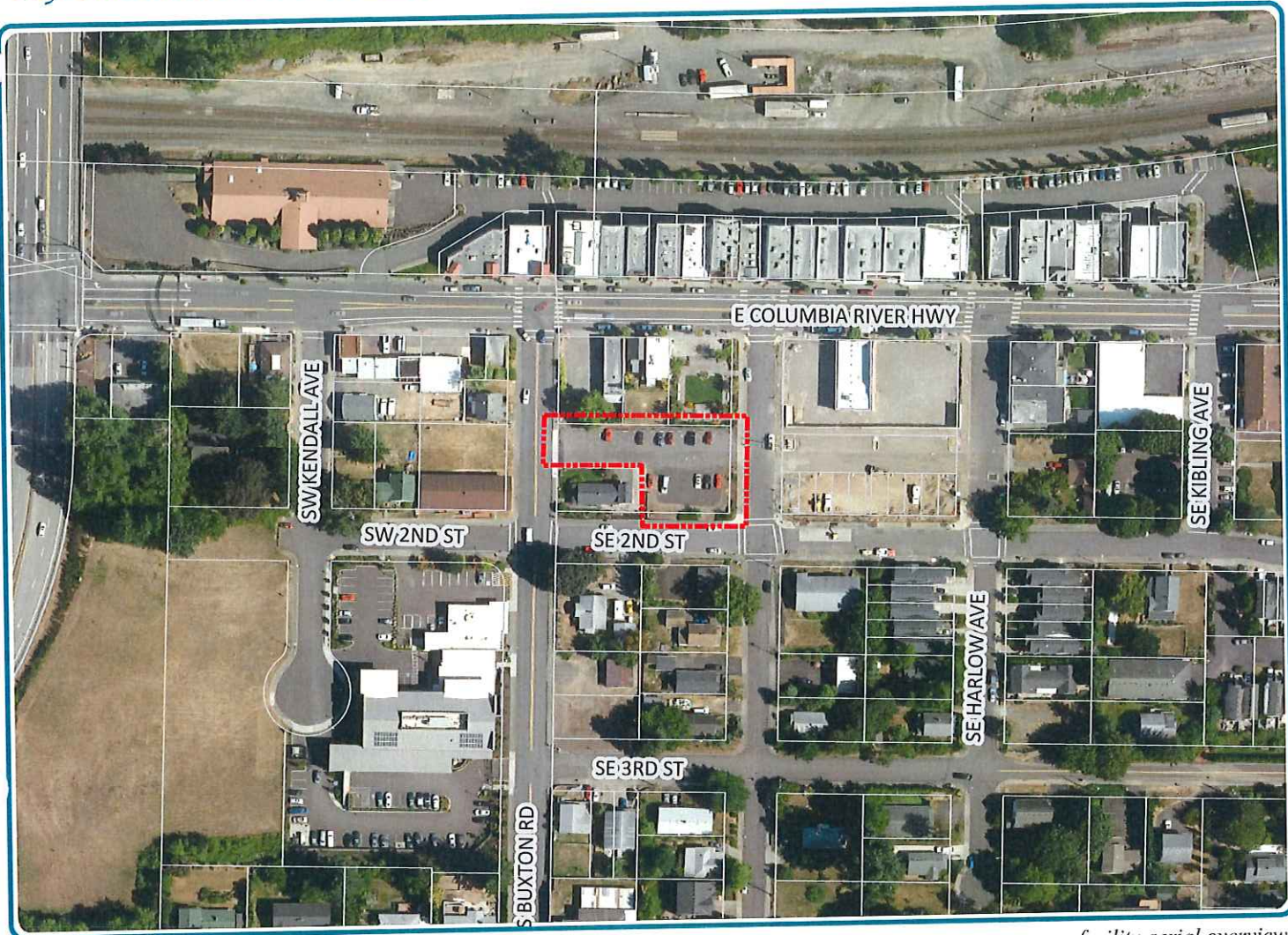




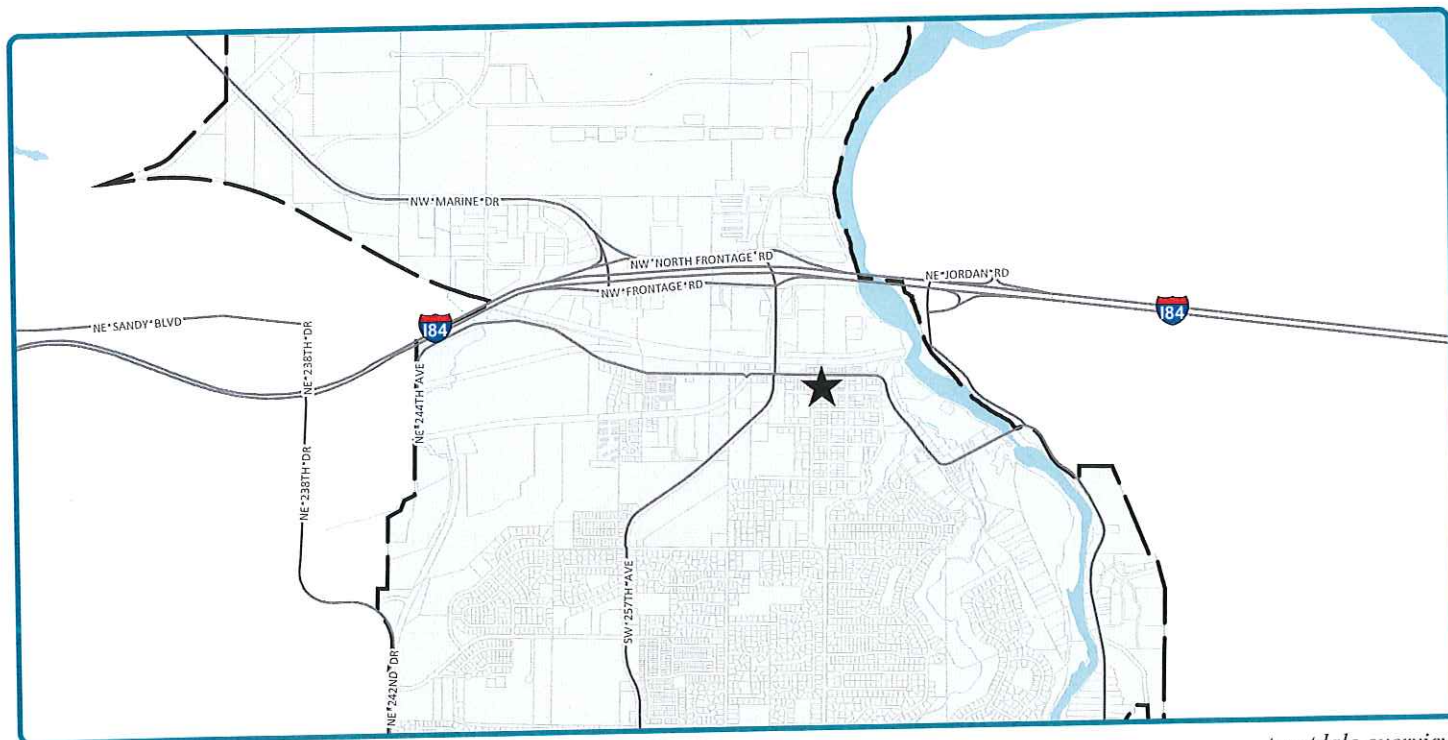
City Owned Facilities Worksheet

Facility Name				
Old Police Station Parking Lot				
Address				
Building Type		Roof Type		
Year Built	Building Sq Ft		Lot Sq Ft	
Notes:				
Building Features				
Structure Type		Siding Type		
Roof Type		Flooring Type		
Number Of Bathrooms		Parking Spaces		
Landscaping				
Notes:				
Systems				
Heating		Cooling		
Alarm		Fire		
Maintenance Needs Description	Immediate	Short Term (Less Than Five Years)	Medium Term (Less Than Ten Years)	Long Term (Less Than Twenty Years)
Total \$	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

City Owned Facilities Worksheet: Old Police Station Parking Lot



facility aerial overview



troutdale overview







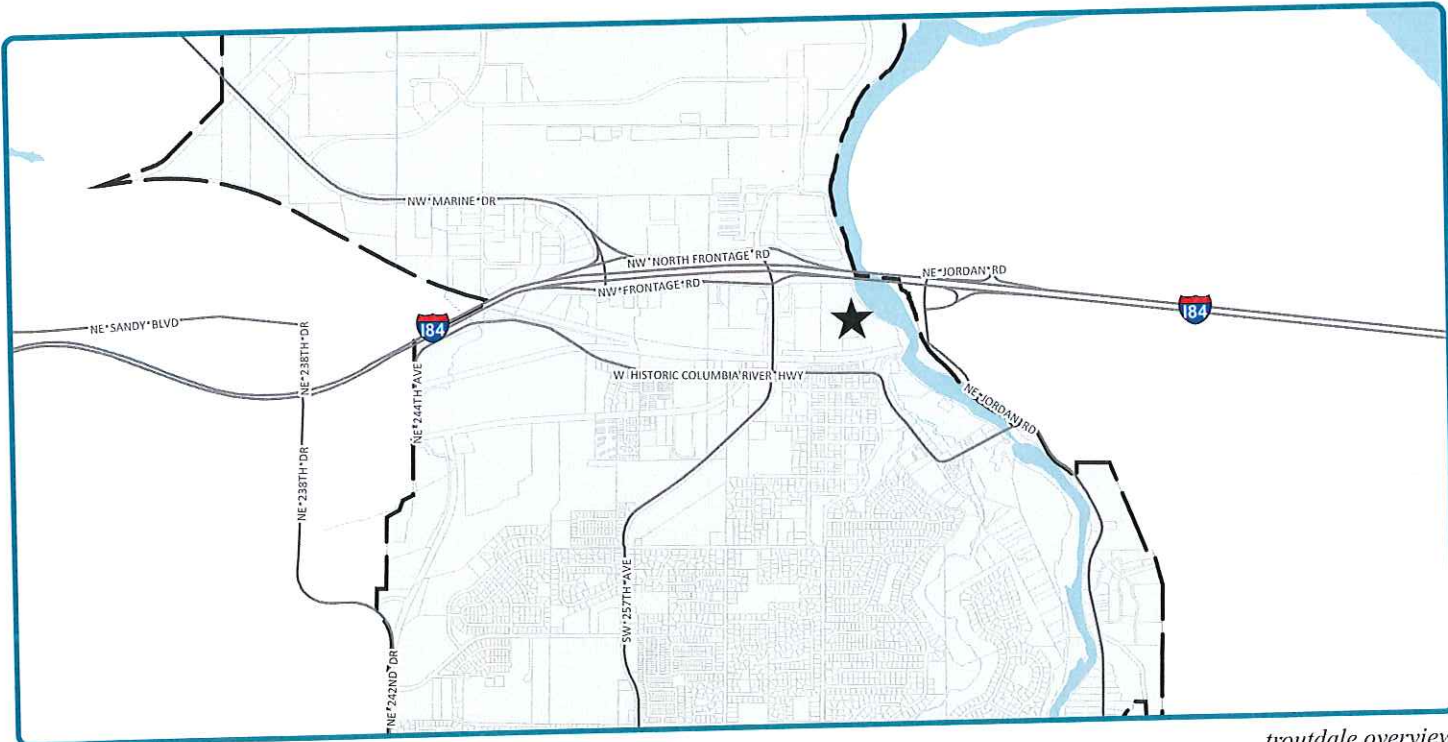
City Owned Facilities Worksheet

Facility Name Old Waste Water Treatment Plant		Insured Value \$104,066.00		
Address 320 NW 257th way				
Building Type Property is vacant		Roof Type		
Year Built 1980	Building Sq Ft	Lot Sq Ft		
Notes:				
Building Features				
Structure Type		Siding Type		
Roof Type		Flooring Type		
Number Of Bathrooms		Parking Spaces		
Landscaping				
Notes:				
Systems				
Heating		Cooling		
Alarm		Fire		
Maintenance Needs Description	Immediate	Short Term (Less Than Five Years)	Medium Term (Less Than Ten Years)	Long Term (Less Than Twenty Years)
temporary security fencing	\$ 2,200.00			
Total \$	\$ 2,200.00	\$ 0.00	\$ 0.00	\$ 0.00

City Owned Facilities Worksheet: Old Waste Water Treatment Plant



facility aerial overview



troutdale overview







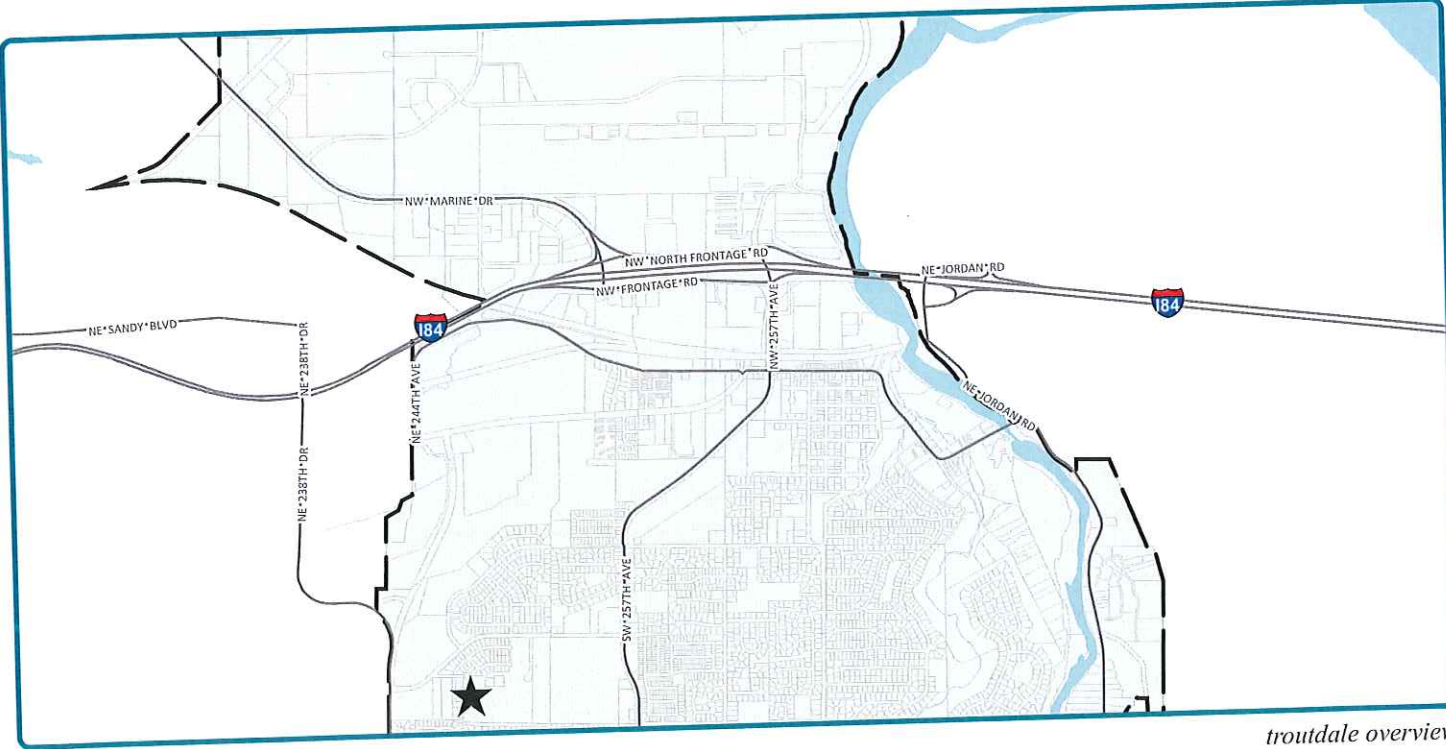
City Owned Facilities Worksheet

Facility Name Parks Building Office and Shop		Insured value \$822,755.00		
Address 2200 s.w 18th way				
Building Type Web Steel framed building with full earthquake protection		Roof Type Formed steel		
Year Built 2008	Building Sq Ft 5880	Lot Sq Ft		
Notes: Facility houses Parks and Facilities employees and all working equipment				
Building Features				
Structure Type Web Steel		Siding Type formed steel		
Roof Type formed steel		Flooring Type polished concrete		
Number Of Bathrooms N/A		Parking Spaces none dedicated		
Landscaping natural forest setting				
Notes: Building is a multi use facility for grounds and facility maintenance				
Systems				
Heating Gas furnace		Cooling N/A		
Alarm intrusion alarm		Fire audible fire system		
Maintenance Needs Description	Immediate	Short Term (Less Than Five Years)	Medium Term (Less Than Ten Years)	Long Term (Less Than Twenty Years)
replace furnaces			\$ 12,000.00	
replace bay doors				\$ 28,000.00
general maintenance	\$ 2,000.00			
earthquake tension straps maintenance			\$ 15,000.00	
lighting upgrade		\$ 20,000.00		
Total \$	\$ 2,000.00	\$ 20,000.00	\$ 27,000.00	\$ 28,000.00

City Owned Facilities Worksheet: Parks Building Office and Shop



facility aerial overview



troutdale overview





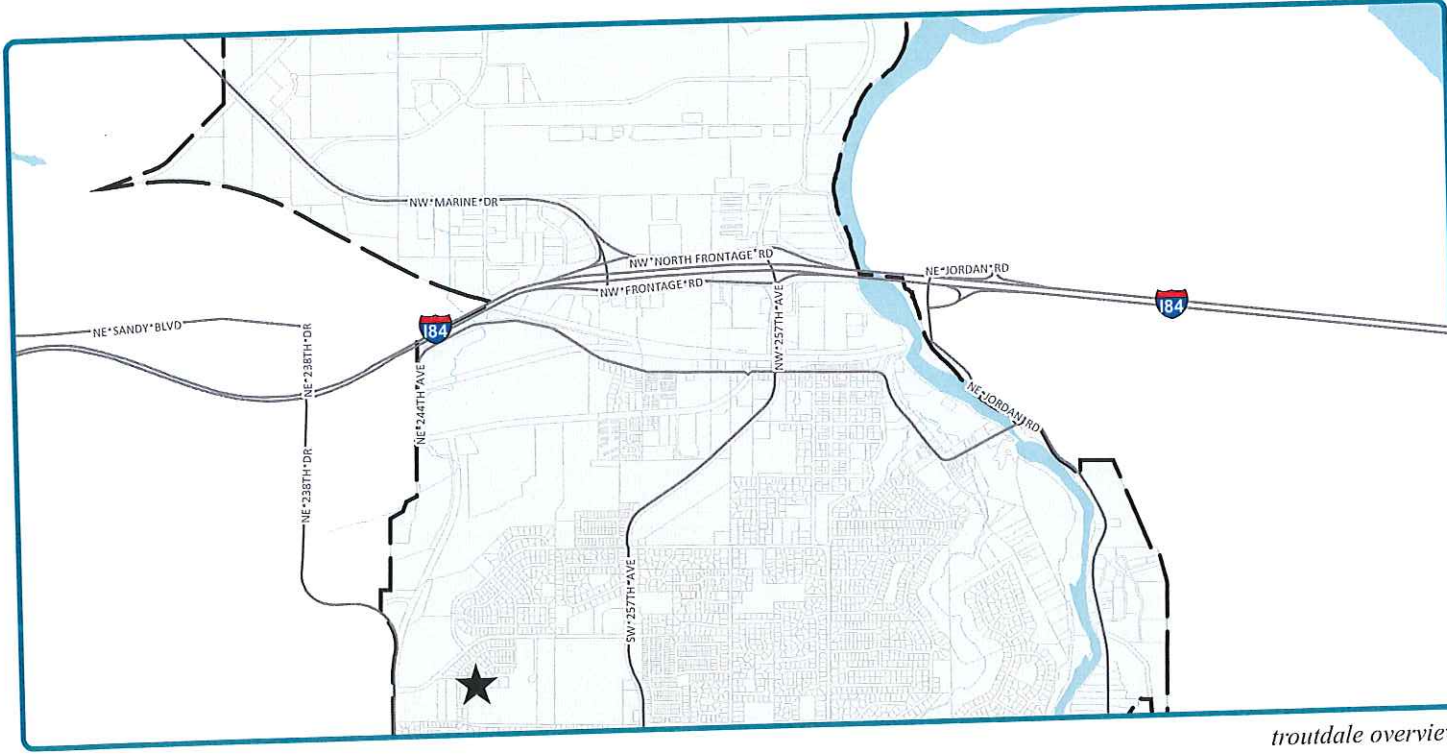
City Owned Facilities Worksheet

Facility Name Planning Building		Insured value \$727,321.00		
Address 2200 s.w 18th way				
Building Type wood frame on concrete slab		Roof Type composite three tab		
Year Built 2008	Building Sq Ft 2368	Lot Sq Ft		
Notes: Currently building is housing the Planning Department				
Building Features				
Structure Type wood frame		Siding Type wood		
Roof Type composite three tab		Flooring Type carpet in office area and polished concrete in halls		
Number Of Bathrooms 1 mens 1 womens 1 shower		Parking Spaces 15		
Landscaping natural forest setting with ornamental shrubs				
Notes: Building is well maintained				
Systems				
Heating Gas furnace		Cooling central air		
Alarm intrusion alarm		Fire audible fire system		
Maintenance Needs Description	Immediate	Short Term (Less Than Five Years)	Medium Term (Less Than Ten Years)	Long Term (Less Than Twenty Years)
exterior paint	\$ 3,000.00			
new roof				\$ 15,000.00
new furnance				\$ 12,000.00
new central air				\$ 15,000.00
new carpet			\$ 8,000.00	
general maintenance	\$ 500.00			
Total \$	\$ 3,500.00	\$ 0.00	\$ 8,000.00	\$ 42,000.00

City Owned Facilities Worksheet: Planning Building



facility aerial overview



troutdale overview

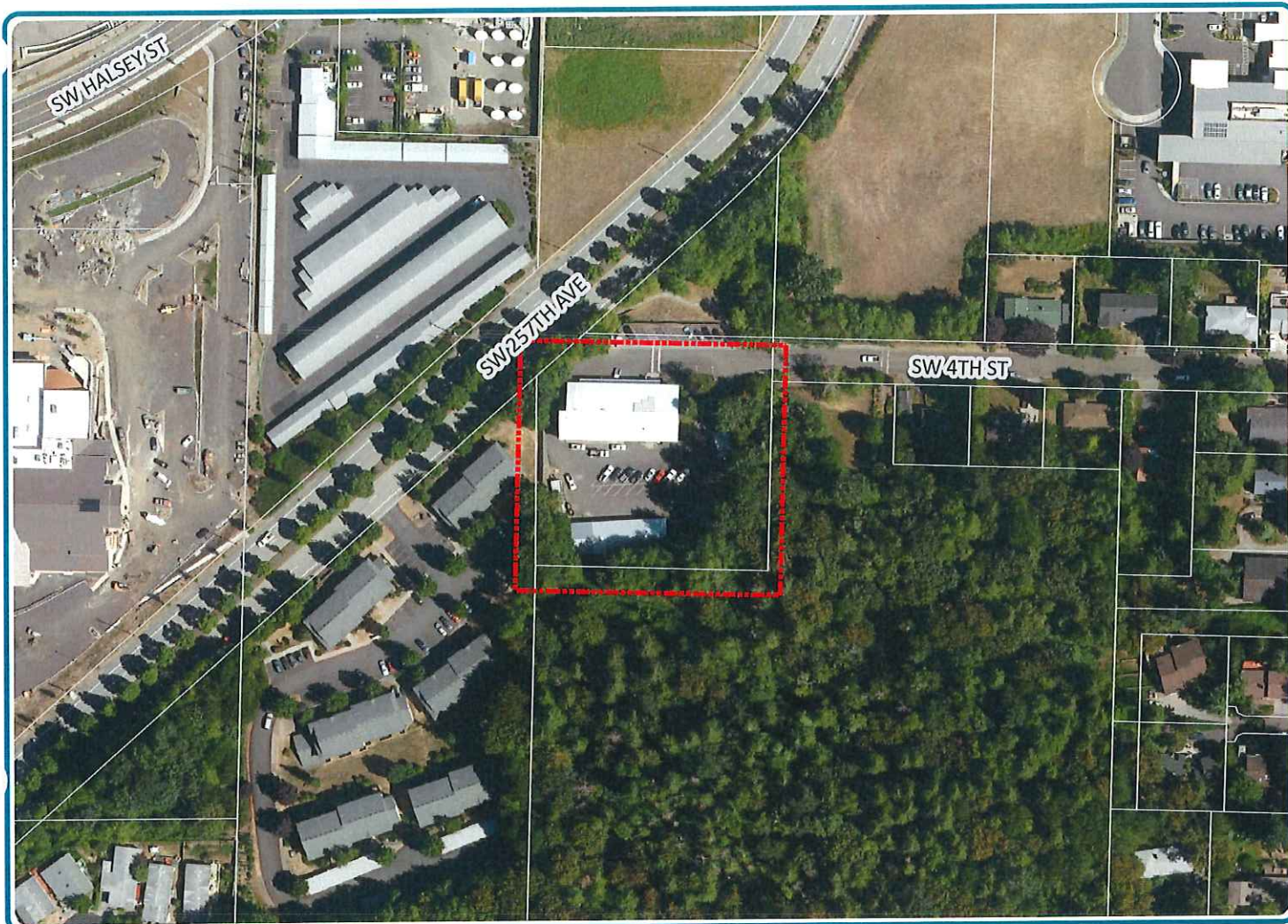




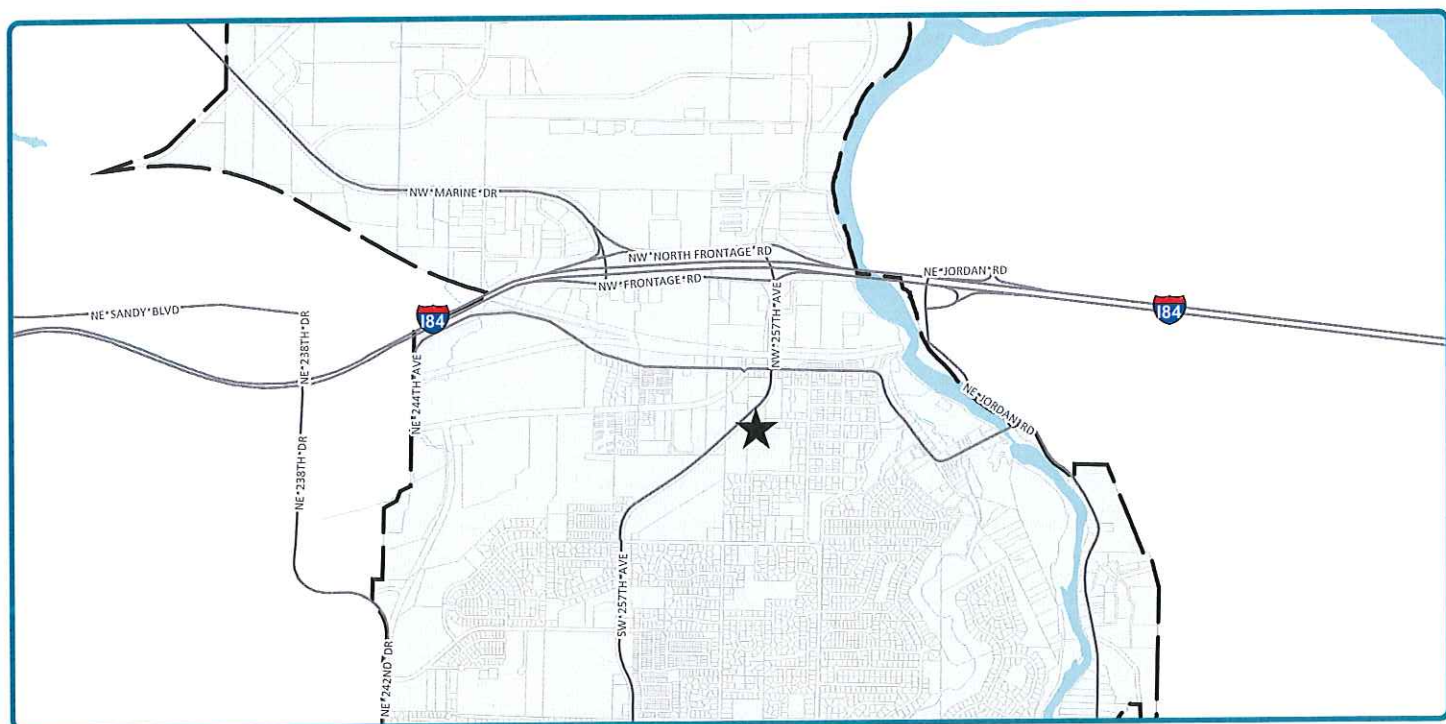
City Owned Facilities Worksheet

Facility Name Public Works Building		Insured value \$2,688,814.00		
Address 342 s.w. fourth				
Building Type Wood frame		Roof Type Steel formed roof		
Year Built 1974	Building Sq Ft 10500	Lot Sq Ft		
Notes: Building is in good condition for the amount of use.				
Building Features				
Structure Type wood frame		Siding Type steel siding concrete accents		
Roof Type formed steel		Flooring Type carpet and sheet vinyl		
Number Of Bathrooms 1 womens 2 mens 1 womens locker room 1 mens locker room		Parking Spaces 23		
Landscaping natural forest setting with ornamental shrubs				
Notes: carpet needs to be replaced and several area's need carpet changed to vinyl composition tile				
Systems				
Heating Gas boiler		Cooling central air		
Alarm intrusion alarm		Fire audible fire system		
Maintenance Needs Description	Immediate	Short Term (Less Than Five Years)	Medium Term (Less Than Ten Years)	Long Term (Less Than Twenty Years)
replace carpeting	\$ 67,000.00			
interior paint	\$ 9,000.00			
new boiler			\$ 75,000.00	
Total \$	\$ 76,000.00	\$ 0.00	\$ 75,000.00	\$ 0.00

City Owned Facilities Worksheet: Public Works Building



facility aerial overview



troutdale overview





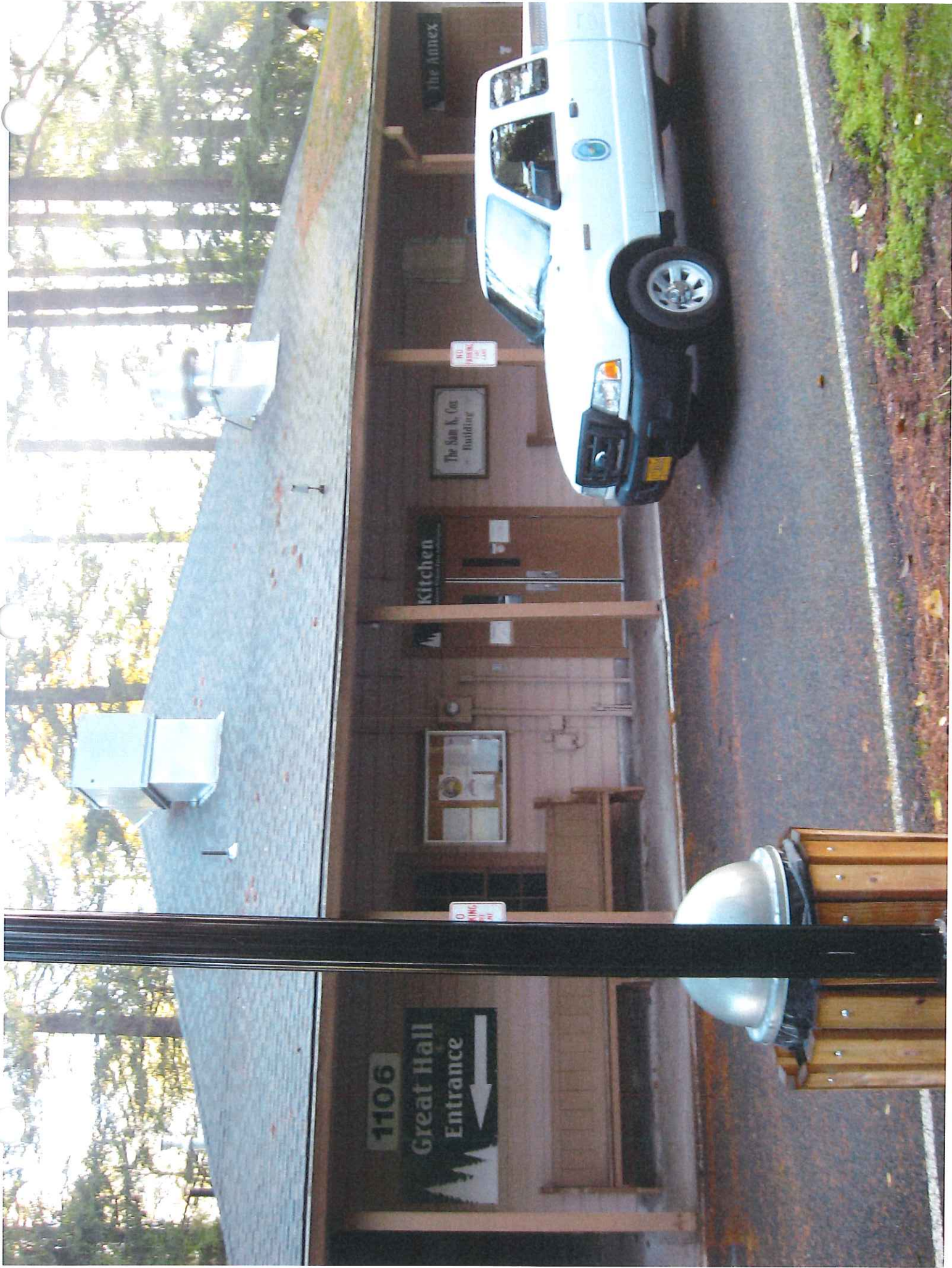
City Owned Facilities Worksheet

Facility Name Sam Cox Building		Insured value \$914,231.00		
Address 1106 East Historic Columbia River Highway				
Building Type Wood frame		Roof Type Composite three tab		
Year Built 1950	Building Sq Ft 5259	Lot Sq Ft		
Notes: new kitchen 2007, new restrooms 2014, new furnace 2015				
Building Features				
Structure Type wood frame		Siding Type wood		
Roof Type composite three tab		Flooring Type flecked poured resin		
Number Of Bathrooms 1 ADA Womens 1 ADA Mens		Parking Spaces 96		
Landscaping natural forest setting				
Notes: Facility is currently having new gutters, siding, and new paint done fiscal year 2016/2017				
Systems				
Heating Trane system		Cooling N/A		
Alarm N/A		Fire N/A		
Maintenance Needs Description	Immediate	Short Term (Less Than Five Years)	Medium Term (Less Than Ten Years)	Long Term (Less Than Twenty Years)
siding	\$ 27,000.00			
gutters	\$ 20,000.00			
new thermal windows			\$ 30,000.00	
Security system		\$ 12,000.00		
New poured resin floor in annex		\$ 5,700.00		
New Roof				\$ 15,000.00
Total \$	\$ 47,000.00	\$ 17,700.00	\$ 30,000.00	\$ 15,000.00

An aerial photograph showing a large, densely wooded area. A red rectangular boundary is drawn over a portion of the forest, indicating a specific plot of land. To the left of the wooded area, there is a residential neighborhood with several houses and a swimming pool. A parking lot is visible near the top center of the image. To the right, a body of water, possibly a lake or river, is visible with a rocky shoreline. The entire image is overlaid with white lines representing property boundaries.

The map shows a residential area with a grid of streets. A black star marks the location of the proposed development at the intersection of NE 238th Dr and NE 244th Ave. Major roads include NW Marine Dr, NW North Frontage Rd, NW Frontage Rd, NE Sandy Blvd, NE Jordan Rd, and NE 238th Dr. A large body of water is visible on the right side of the map.

troutdale overview











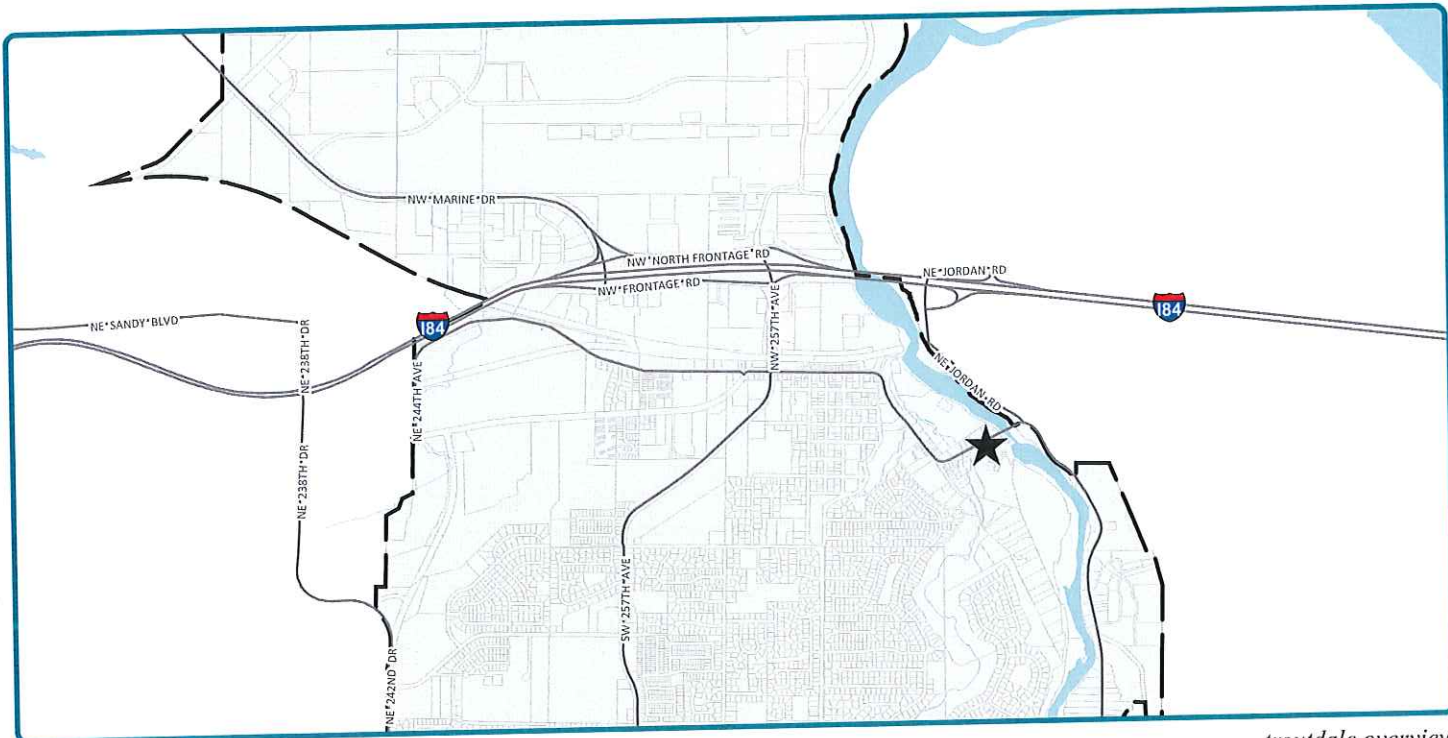
City Owned Facilities Worksheet

Facility Name Marks Snack and Tackle Shack		Insured value \$173,338.00		
Address 1208 East Historic Columbia River Highway				
Building Type wood frame		Roof Type layered membrane		
Year Built 1980	Building Sq Ft 1428		Lot Sq Ft	
Notes: Building is currently leased				
Building Features				
Structure Type wood frame		Siding Type wood		
Roof Type layered membrane		Flooring Type wood with VCT cover in certain area's		
Number Of Bathrooms 1		Parking Spaces 7		
Landscaping natural forest setting with ornamental shrubs				
Notes: building is in fair condition				
Systems				
Heating N/A		Cooling N/A		
Alarm N/A		Fire N/A		
Maintenance Needs Description	Immediate	Short Term (Less Than Five Years)	Medium Term (Less Than Ten Years)	Long Term (Less Than Twenty Years)
repaint exterior		\$ 7,500.00		
renovate interior		\$ 20,000.00		
Total \$	\$ 0.00	\$ 27,500.00	\$ 0.00	\$ 0.00

City Owned Facilities Worksheet: Snack and Tackle Shack



facility aerial overview



troutdale overview

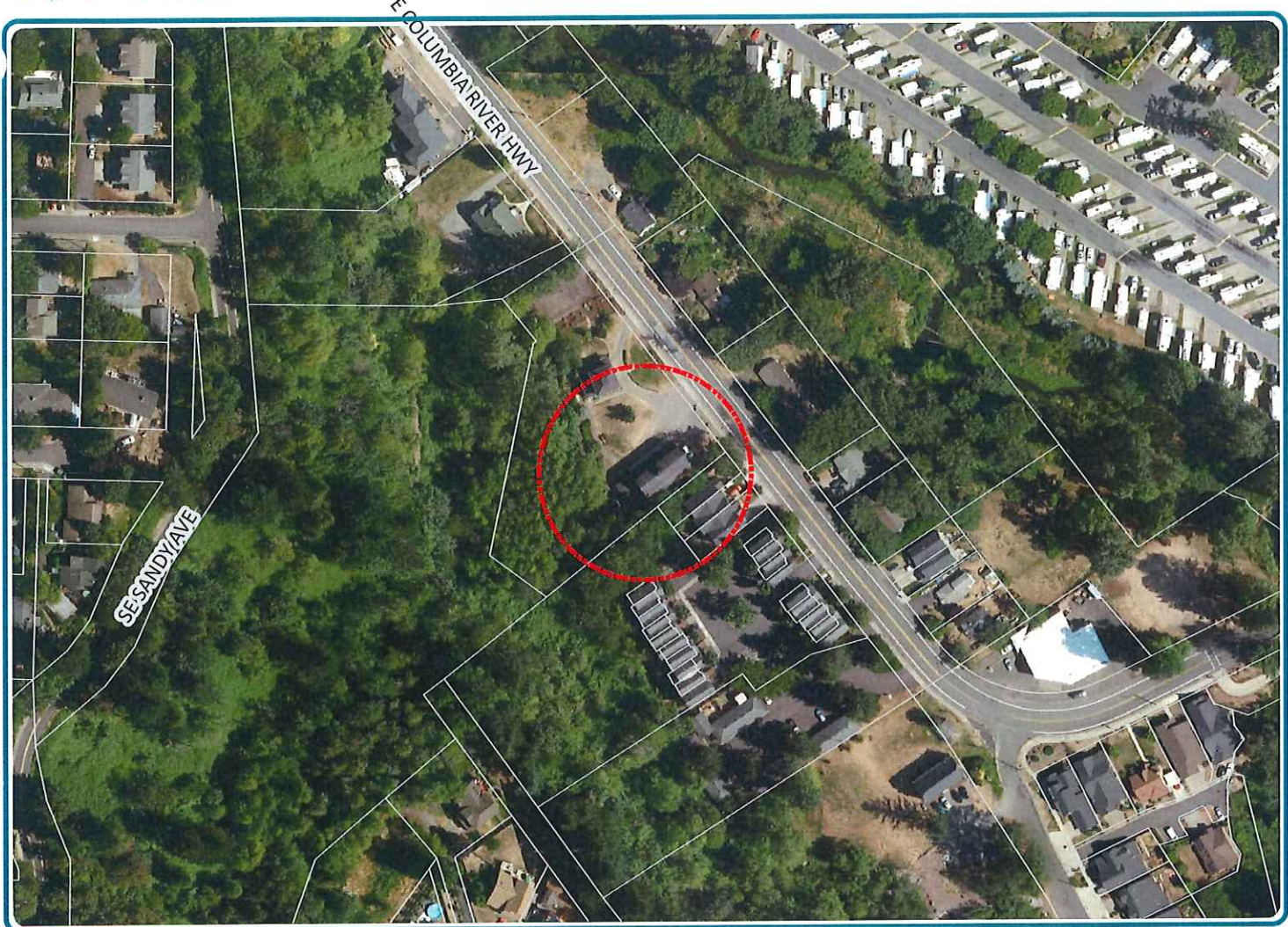




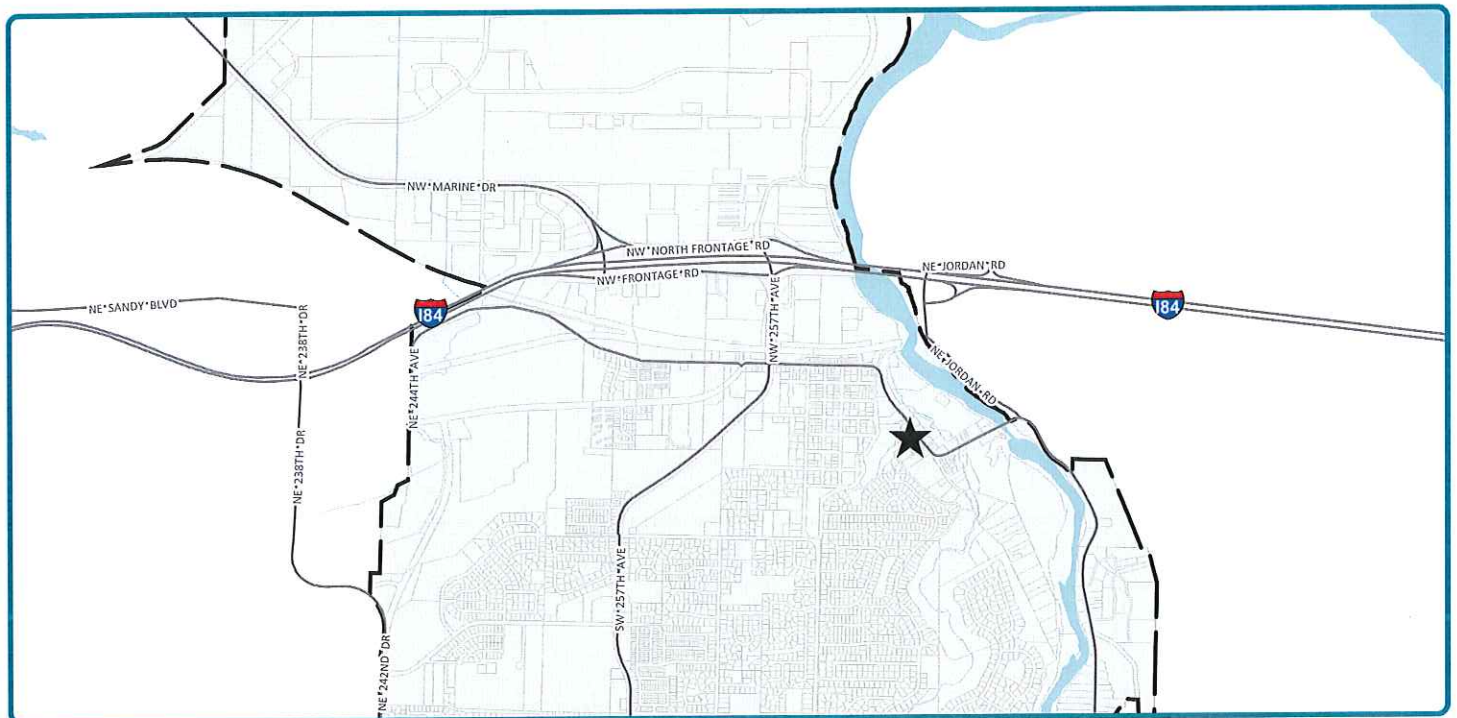
City Owned Facilities Worksheet

Facility Name The Barn Museum		Insured Value \$893,898.00		
Address 732 East Historic Columbia River Highway				
Building Type Wood Frame		Roof Type Formed Steel		
Year Built Construction Started in 1988 Certificate of Occupancy issued 1998		Building Sq Ft 5760	Lot Sq Ft	
Notes: Building is owned by Troutdale Historic Society and sits on leased City property. City provides no resources for maintenance.				
Building Features				
Structure Type Wood frame		Siding Type wood		
Roof Type formed metal		Flooring Type concrete slab		
Number Of Bathrooms 1		Parking Spaces 12		
Landscaping general shrubs and grass				
Notes: Parks Department provides grounds maintenance and small invasive plant removal				
Systems				
Heating gas furnace		Cooling small window a/c		
Alarm intrusion sensors		Fire gong style		
Maintenance Needs Description	Immediate	Short Term (Less Than Five Years)	Medium Term (Less Than Ten Years)	Long Term (Less Than Twenty Years)
Historical Society maintains Facility				
Total \$	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

City Owned Facilities Worksheet: Barn Museum



facility aerial overview



troutdale overview



See the...

COLUMBIA RIVER
HIGHWAY

Exhibit

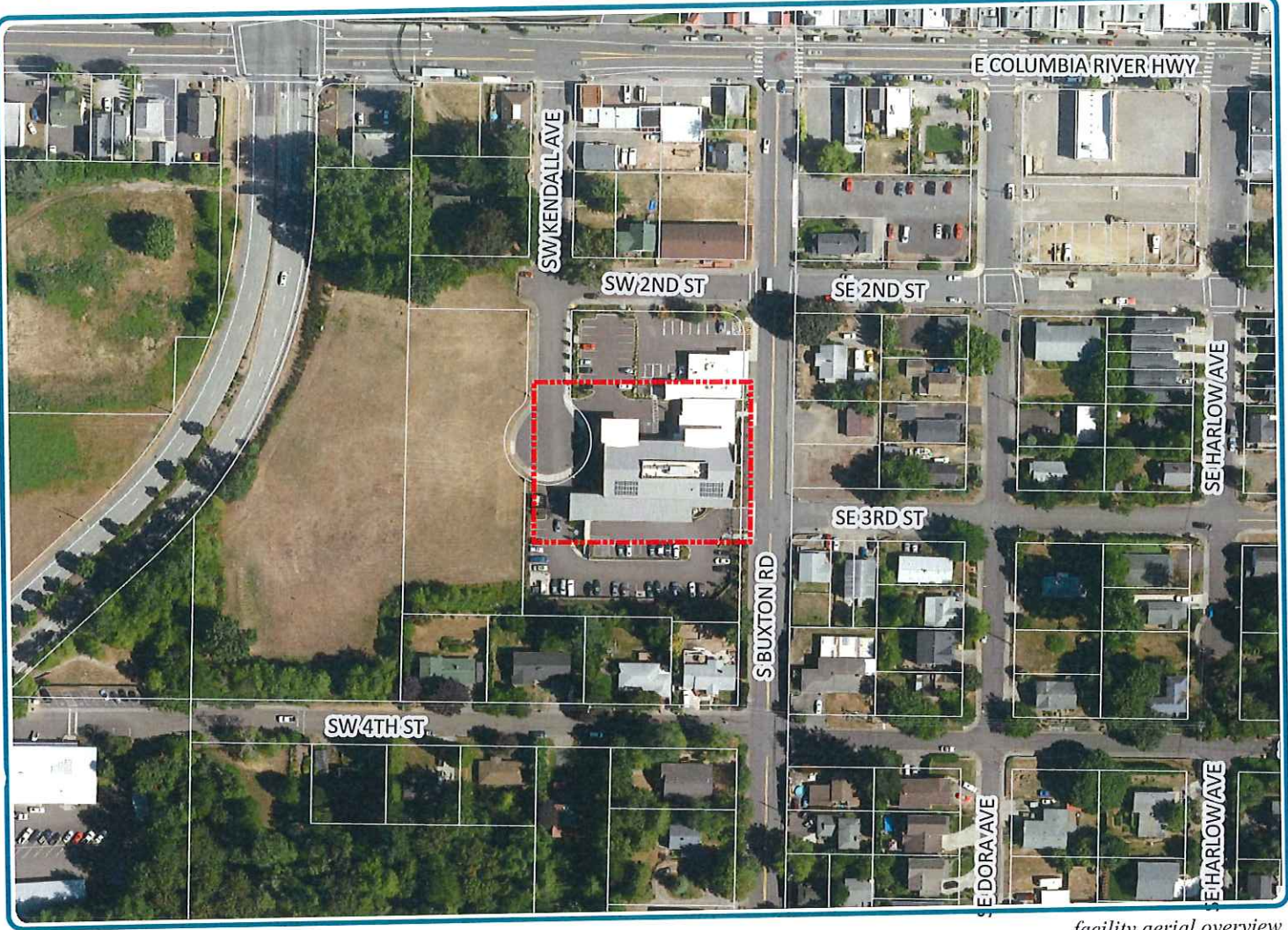
Small white sign on the right side of the roof.



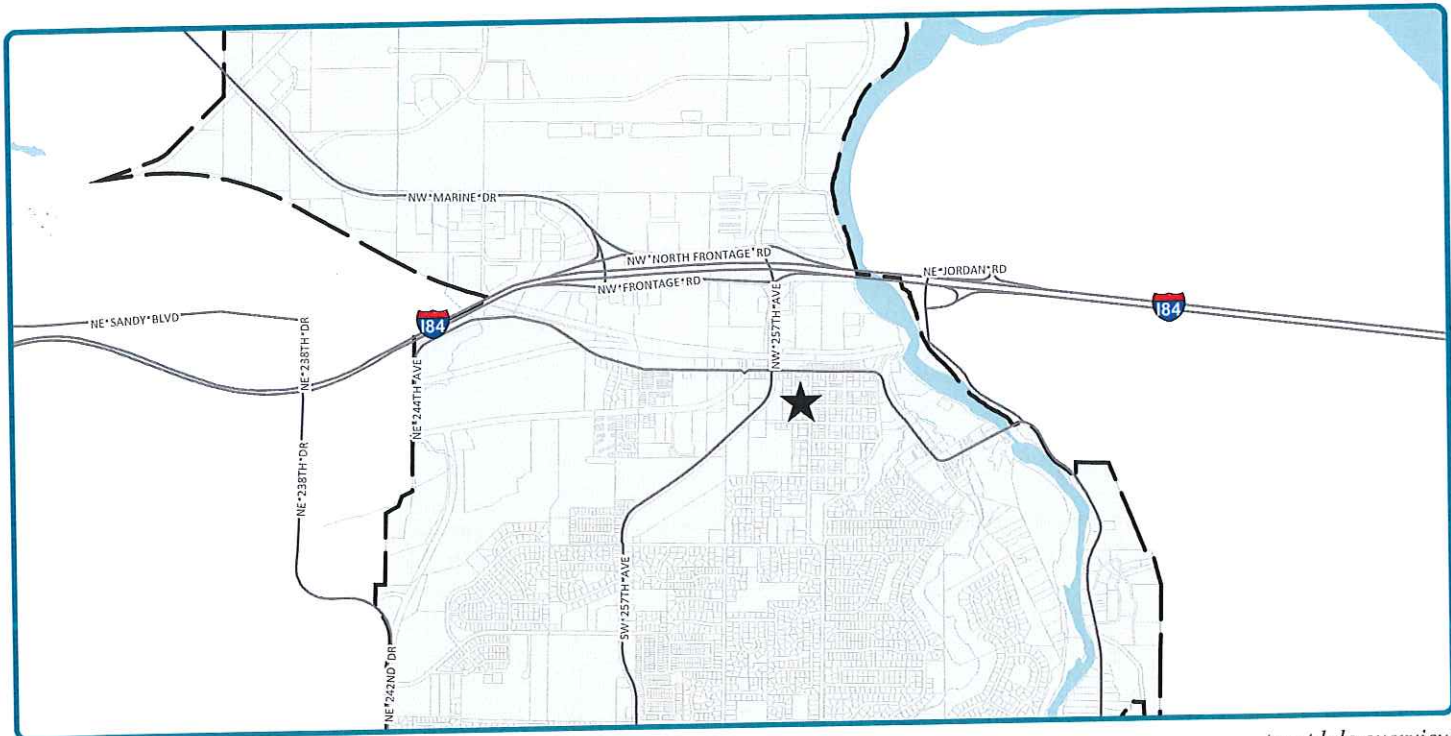
City Owned Facilities Worksheet

Facility Name Troutdale Police Community Center		Insured Value \$7,066,691		
Address 234 s.w. Kendall Court, Troutdale Oregon 97060				
Building Type Steel frame Masonry wall Non-Combustible Facility		Roof Type Rubber Membrane in HVAC unit area, Steel roof all other area's		
Year Built 2012	Building Sq Ft 27,876	Lot Sq Ft 64,422		
Notes: Currently the Facility is in excellent pristine condition and is well maintained. With continued preventative maintenance schedules the building will operate with minimal resources being allocated.				
Building Features				
Structure Type Steel frame		Siding Type CMU block		
Roof Type Formed Metal, rubber membrane in HVAC area		Flooring Type Carpeting thru out building, Holding cells concrete, Break room Mondo style		
Number Of Bathrooms 3 mens, 3 womens 1 mens locker room 1 womens locker room		Parking Spaces 24 public spaces 30 for patrol vehicles in fenced area.		
Landscaping drought tolerant plants general tree make up of elm's and maple's				
Notes: Property is fully irrigated with a rain bird system, Solar World solar panel system, Bradford White Hot water system.				
Systems				
Heating Mitsubishi stand alone,		Cooling Mitsubishi heat pumps		
Alarm G.B. Manchester monitoring by ADT and tyco		Fire Panel is a remote annunciator		
Maintenance Needs Description	Immediate	Short Term (Less Than Five Years)	Medium Term (Less Than Ten Years)	Long Term (Less Than Twenty Years)
General cleaning, carpets, windows, exterior wash	\$ 13,000.00	\$ 7,500.00		
replace carpeting				\$ 250,000.00
repaint interior of facility			\$ 54,000.00	
solar panels technology upgrade				\$ 500,000.00
parking lot reseal			\$ 10,000.00	
Lighting upgrade				\$ 500,000.00
upgrade HVAC				\$ 750,000.00
Total \$	\$ 13,000.00	\$ 7,500.00	\$ 64,000.00	\$ 2,000,000.00

City Owned Facilities Worksheet: Troutdale Police Community Center



facility aerial overview



troutdale overview





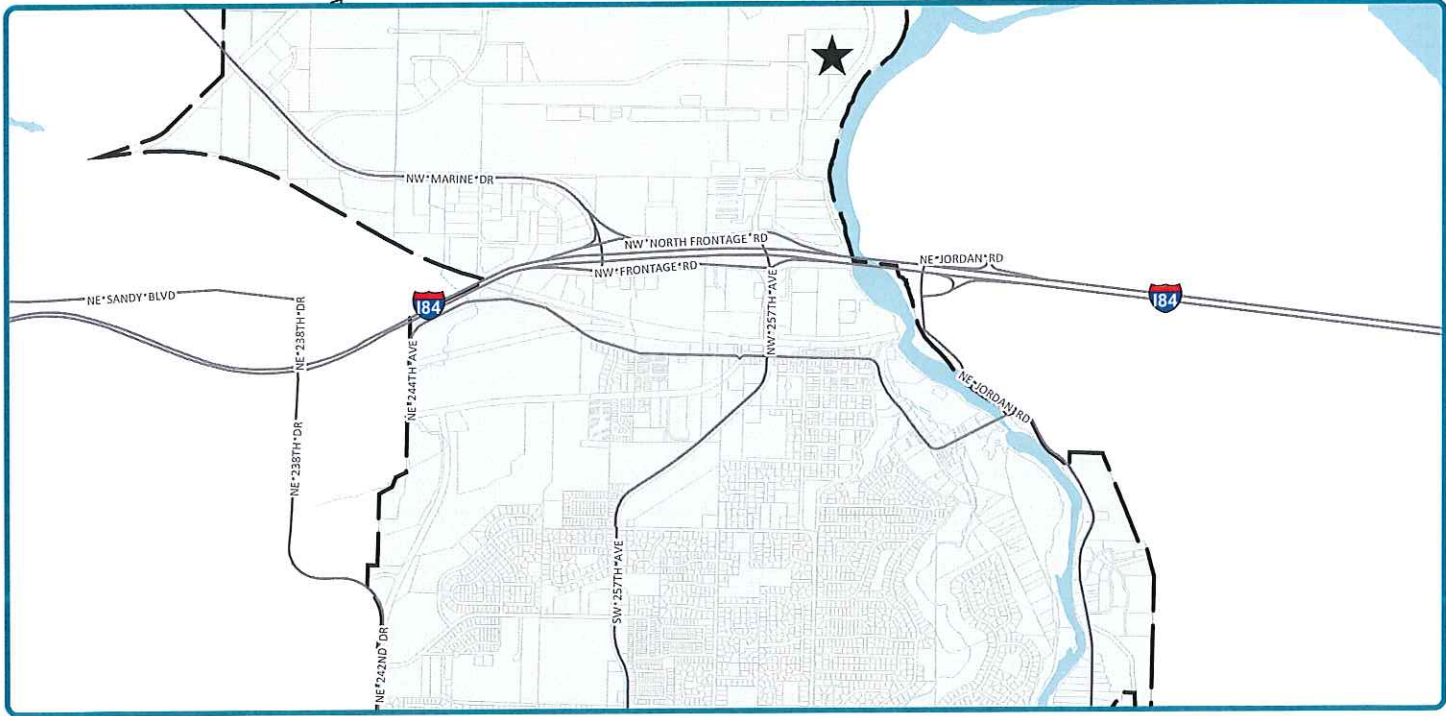
City Owned Facilities Worksheet

Facility Name WPCF (Water Pollution Control Facility)		Insured value \$1,534,422.00		
Address 1820 NW Graham				
Building Type Concrete Masonry block on concrete slab		Roof Type rubber membrane roofing system		
Year Built 2001	Building Sq Ft Administrative Building 3712	Lot Sq Ft		
Notes: Currently the Superintendent for this Facility manages all of the facilities upgrades due to the complexity of the systems.				
Building Features				
Structure Type concrete masonry block		Siding Type N/A		
Roof Type rubber membrane roofing system		Flooring Type carpet and vinyl composition tiles		
Number Of Bathrooms 1 mens 1 womens		Parking Spaces 10		
Landscaping general shrubs and grass				
Notes: Building is in good condition for its age.				
Systems				
Heating Gas furnace		Cooling central air		
Alarm intrusion sensors		Fire audible fire system		
Maintenance Needs Description	Immediate	Short Term (Less Than Five Years)	Medium Term (Less Than Ten Years)	Long Term (Less Than Twenty Years)
Total \$	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

City Owned Facilities Worksheet: Water Pollution Control Facility



facility aerial overview



troutdale overview



PROCLAMATION

RED RIBBON WEEK

October 23-31, 2016

WHEREAS, communities across America have been plagued by the numerous problems associated with illicit drug use and those that traffic in them; and

WHEREAS, there is hope in winning the war on drugs, and that hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the Lewis & Clark Young Marines of the Marine Corps League to foster a healthy, drug-free lifestyle; and

WHEREAS, governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

WHEREAS, the Red Ribbon has been chosen as a symbol commemorating the work of Enrique "Kiki" Camarena, a Drug Enforcement Administration Special Agent who was murdered in the line of duty, and represents the belief that one person can make a difference; and

WHEREAS, the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and

WHEREAS, October 23-31, 2016 has been designated National Red Ribbon Week, which encourages Americans to wear a Red Ribbon to show their support for a drug-free environment.

NOW THEREFORE, the City of Troutdale, Oregon, does hereby proclaim October 23 – 31, 2016 as **RED RIBBON WEEK** and urges all citizens to join in this special observance.

Doug Daoust, Mayor
Dated this 25th Day of October, 2016



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: An Ordinance amending section 1.04.010 – Definitions of the Troutdale Municipal Code to include definitions for police which recognize contracted police services.

MEETING TYPE:
City Council Regular Mtg.

MEETING DATE: October 25, 2016

STAFF MEMBER: Sarah Skroch
DEPARTMENT: Executive

ACTION REQUIRED
Ordinance - Adoption

**ADVISORY COMMITTEE/COMMISSION
RECOMMENDATION:**
Not Applicable

PUBLIC HEARING
Yes

Comments:

STAFF RECOMMENDATION: Adoption

EXHIBITS: None

Subject / Issue Relates To:

☐ Council Goals

☒ Legislative

☐ Other (describe)

Issue / Council Decision & Discussion Points:

- ◆ The proposed ordinance adds definitions to the Municipal Code that reflect the police services provided to the City through the IGA with the Multnomah County Sheriff's Office.
- ◆ The proposed ordinance will allow Multnomah County Sheriff's Office to obtain and review criminal histories for City volunteers as required by Troutdale Municipal Code Chapter 2.60.
- ◆ Language is being proposed that expands the definition for "chief of police" or "police chief" to include a designee from the Multnomah County Sheriff's Office or any other contracted police agency to fulfill that role for the City.

Reviewed and Approved by City Manager:

BACKGROUND:

On March 24, 2015 the Troutdale City Council adopted Resolution #2278 approving an intergovernmental agreement (IGA) with Multnomah County for law enforcement services provided through the Multnomah County Sheriff's Office. That IGA was executed and became effective on July 1, 2015. Since the IGA became effective, there have been no changes made to the Troutdale Municipal Code (Code) to reflect those contracted police services.

Last fall when the City was going through the annual recruitment process to fill vacancies on City Committees and Commissions it was brought to our attention that changes to the Code would be necessary to reflect the City's use of contracted police services, specifically to Chapter 2.60 which currently authorizes the Troutdale Police Department to conduct the required criminal history records checks (records check) on all City volunteers. The records check requires access to the Oregon State Police's computerized criminal history information. Last year Oregon State Police agreed to allow Multnomah County Sheriff's Office to conduct the records checks for the City if the City agreed to start the process to amend the Code to show that Multnomah County Sheriff's Office will now be the entity conducting those records checks.

The City is proposing the addition of definitions to Section 1.04.010 of the Code to fulfill the request by the Oregon State Police. The definitions are housekeeping in nature. They define roles such as Chief of Police, Police Officer, and Police Department and note that these roles may be provided by Troutdale Police Department, Multnomah County Sheriff's Office or any other police agency contracting with the City for police services. The definition for Chief of Police has also been expanded to reflect the position under contracted police services by a designee within Multnomah County Sheriff's Office or other contracted police agency.

PROS & CONS:

Pros:

- Adding the proposed definitions will allow staff to continue to perform criminal history record checks on City volunteers as required in Chapter 2.60 of the Troutdale Municipal Code.

Cons

- None.

Current Year Budget Impacts ☒ Yes - *Incidental cost to update the Municipal Code* ☐ N/A

Future Fiscal Impacts: ☐ Yes (*describe*) ☒ N/A

City Attorney Approved N/A ☒ Yes

Community Involvement Process: ☐ Yes (*describe*) ☒ N/A

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 1.04.010 – DEFINITIONS OF THE TROUTDALE MUNICIPAL CODE TO INCLUDE DEFINITIONS FOR POLICE WHICH RECOGNIZE CONTRACTED POLICE SERVICES.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Chapter 2.60 of the Troutdale Municipal Code authorizes the Troutdale Police Department to obtain and review a criminal history for all applicants for a volunteer position in the City and all City volunteers.
2. The Multnomah County Sheriff's Office currently provides this service for the City.
3. Section 1.04.010 sets out the definitions for the Troutdale Municipal Code and should be amended to reflect that the City currently contracts for police services.
4. Amending the definition of "police" will authorize the Multnomah County Sheriff's Office or any other police agency contracting with the City to obtain and review criminal history information on all City volunteers and applicants to be City volunteers and clarify the provision of other police services and duties provided for in the Troutdale Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. Section 1.04.010 is amended by adding the following definitions:

"Chief of police" or "police chief" means and includes the Troutdale chief of police or a designee within the Multnomah County Sheriff's Office or any other police agency contracting with the City for police services. This definition supplements or supersedes the definitions found in Chapters 2.56, 8.12, 8.24 and 8.34.

"Police officer" means and includes an officer of the Troutdale police department, the Multnomah County Sheriff's Office or any other police agency contracting with the City for police services.

"Troutdale police department," "police department," "city police" or "police" means and includes the Troutdale police department, the Multnomah County Sheriff's Office or any other police agency contracting with the City for police services.

YEAS:
NAYS:
ABSTAINED:

Doug Daoust, Mayor

Date _____

Sarah Skroch, City Recorder
Adopted:



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: An ordinance amending Chapter 12.03 of the Troutdale Municipal Code, Water System

MEETING TYPE:

City Council Regular Mtg.

MEETING DATE: October 25, 2016

STAFF MEMBER: Steve Gaschler
DEPARTMENT: Public Works

ACTION REQUIRED

Ordinance - Adoption

**ADVISORY COMMITTEE/COMMISSION
RECOMMENDATION:**

Not Applicable

PUBLIC HEARING

Yes

Comments:

STAFF RECOMMENDATION: Adoption

EXHIBITS:

None

Subject / Issue Relates To:

☐ Council Goals

☐ Legislative

☒ Other (describe)
Water supply management

Issue / Council Decision & Discussion Points:

- ◆ The updated Water Management and Conservation Plan requires the City to adopt a curtailment plan in the event of a water shortage event.
- ◆ Currently, the City lacks the legal authority to implement the water curtailment plan.
- ◆ In the past 10 years, the City has not experienced a supply deficiency requiring implementation of curtailment activities.
- ◆ Water curtailment planning is an important component of water supply management.
- ◆ This ordinance was introduced September 27, 2016.

Reviewed and Approved by City Manager:

BACKGROUND:

Section 4 of the City's Water Management and Conservation Plan (Plan) includes the City's water curtailment plan. The water curtailment plan is intended to identify proactive measures the City may take to reduce demand during water supply shortages of varying intensity to ensure water supply for public health and safety during short-term water supply shortages.

The Plan also includes a three-stage curtailment plan that includes actions the City may take to reduce demand under various water supply shortage scenarios. The City has not experienced a supply deficiency during the past 10 years that required it to implement curtailment activities. A short-term drought situation is not anticipated to affect the City's water supply as the City relies on deep groundwater wells. A multi-year drought, mechanical or electrical equipment failure, or events not under control of the City (localized or area-wide power outages, intentional malevolent acts or catastrophic natural disasters) could require the City to implement curtailment. In the event of a source water shortage, the City has the ability to utilize emergency interconnections with the cities of Gresham, Wood Village, and/or Fairview, as an initial response, if appropriate.

Under the proposed water curtailment plan, the Public Works Director is authorized to declare a Water Curtailment Stage 1 and 2. Actions under Water Curtailment Stage 3 can only be initiated after the City Manager declares an emergency and the City Council must confirm that emergency within 72 hours of the City Manager's declaration.

As the City has more than one well, actions identified in the water curtailment plan may be applied to the entire City or only to those water use sectors or in those geographic areas that are directly affected by a water supply shortage.

Stage 1 of the water curtailment plan is activated when demand reaches 80 percent of current available production capacity for three consecutive days and is considered a "water shortage alert". At this stage, the Public Works Director will issue a general request for voluntary reductions in water use by all water users to include one or more of the following:

- Ask customers to voluntarily decrease outdoor water use
- Ask customers to voluntarily decrease indoor water use, such as reducing shower times and only washing full loads of laundry.

Additionally, the City will take the following actions:

- Reduce irrigation of large turfs areas, such as parks.
- Reduce water use for street sweeping, hydrant flushing, and pipeline flushing.
- Turn off the City fountain.
- Cease washing City vehicles and buildings/
- Make brochures available to customers about water conservation measures.

Stage 2 of the water curtailment plan is activated when 90 percent of the current available production capacity for three consecutive days and is considered a "serious water shortage". This stage is similar to stage 1, however, certain water uses will be prohibited and there will be more emphasis on nonessential water use. Under stage 2, the City may take one or more of the following actions:

- Adoption of an irrigation schedule based on odd/even address numbers irrigating every other day in the early morning or evening.

- Prohibit the use of water for washing down sidewalks, driveways, parking lot areas or other similar exterior cleaning uses except when necessary for public health and safety.
- Prohibit vehicle washing except at facilities with water re-circulation equipment.
- Prohibit hydrant and pipeline flushing except in emergencies.
- Ask commercial and industrial customer to voluntarily reduce non-essential water use by at least 50 percent.
- Prohibit outdoor irrigation except by permit issued by the City.
- Prohibit the use of City water to clean, fill or maintain water levels in decorative streams, ponds, or fountains, except when they have a recirculating water system and/or support aquatic life.
- Prohibit the use of City water to fill swimming pools and hot tubs, except for children's wading pools.
- Ask customers to delay the installation of new turf and landscaping.
- Prohibit the use of hydrant meters.
- Activate the intersystem connection with the cities of Gresham, Wood Village, and/or Fairview.

Stage 3 is activated when demand reaches 100 percent current available production capacity for one day or the system experiences major damage or contamination from a natural disaster, an accident or an act of terrorism and is considered an "emergency water shortage". This type of incident requires immediate notification of local law enforcement and emergency management services. Immediate issuance of health advisories and declaration of water supply emergencies are critical to protect public health. These types of events could last several days or weeks to resolve before the system returns to normal operation and would require the City to take one or more of the following actions to assure that all water available is used for basic sanitation, drinking, cooking and to the highest use to protect public health:

- Prohibit all outdoor irrigation.
- Limit residential water use to those uses necessary for basic sanitation, drinking, and cooking.
- Require that commercial and industrial customers cease non-essential water uses.

For all stages of the curtailment plan, the City will notify customers through the use of mailings or door hangers, TV and/or radio, a pre-scripted phone message, and/or an alert on the City's website, Facebook page and/or other social media sites.

Troutdale Municipal Code (TMC), Chapter 12.03, Water System, must be updated to provide the legal authority to implement the City's water curtailment plan. Proposed amendments to TMC Chapter 12.03 are attached in Exhibit A.

This ordinance was introduced on September 27, 2016. Although there was great discussion, no proposed revisions were requested and the ordinance is unchanged from its introduction.

PROS & CONS:

Pros:

- OWRD has formally approved the Water Management and Conservation Plan.

- The water curtailment plan allows the City to manage the water system in the event of a water shortage event.
- Updating TMC Chapter 12.03 provides the legal authority to implement the water curtailment plan.

Cons

- None.

Current Year Budget Impacts ☐ Yes (*describe*) ☒ N/A

None.

Future Fiscal Impacts: ☐ Yes (*describe*) ☒ N/A

None.

City Attorney Approved N/A ☐ Yes (*describe*) ☒ N/A

Community Involvement Process: ☐ Yes (*describe*) ☒ N/A

Exhibit A

9/13/16 Council Mtg. – Item #7

Chapter 12.03 - WATER SYSTEM*

Sections:

12.03.010 - Title.

This chapter shall be entitled "Water System."

(Ord. 740 § 3 Att. B (part), 2003)

12.03.020 - Intent and scope.

- A. Pursuant to the statutes of the state of Oregon and the powers granted in the Charter of the city, the council declares its intent to acquire, own, construct, reconstruct, improve, equip, operate, maintain and repair a water system within the city limits, and outside the city limits when consistent with city policy, intergovernmental agreements, and state law.
- B. The council finds, determines and declares the necessity of providing for the city's water system by the formation of a water utility.

(Ord. 740 § 3 Att. B (part), 2003)

12.03.025 - Requirements and prohibitions.

- A. Anytime a new or replacement structure that needs a source of running water, or an expansion of an existing structure, when either the existing or expanded structure needs a source of running water, is developed on property in the city, the owner of the property is required to connect such structure to the public water system at the owner's expense unless the property is more than one thousand feet from the nearest adequate public water main.
- B. It is unlawful for any person to take water from the public water system of the city without prior authorization or without obtaining the proper permits and payment of appropriate fees and charges.
- C. It is unlawful to allow waste of city water by knowingly or negligently causing, authorizing or permitting water in excess of the reasonable volume necessary for a beneficial use to escape from its intended beneficial use into any river, creek, natural watercourse, depression, storm sewer, street, highway, road, or ditch.
- D. For the purpose of this section: "beneficial use" means the lawful and reasonable efficient use of water.

(Ord. 740 § 3 Att. B (part), 2003)

12.03.030 - Establishment of a water utility fee.

There is established a water utility fee to be paid by each account holder of the water system. Such fee may include charges for water consumption, standby fire service, installation of new or changed service, standpipe service, and hydrant meter usage. Such fees shall not be imposed in amounts greater than that which is necessary, in the judgment of the council, to provide sufficient funds to properly acquire, construct, reconstruct, improve, equip, operate, maintain and repair the city's water system. The council, by resolution, shall establish the amount of the fee and may, from time to time, by resolution change the amount of the fee.

(Ord. 740 § 3 Att. B (part), 2003)

12.03.040 - Use of water utility fee.

There is established a water fund, and all water utility fees collected by the city shall be paid into the water fund. Such revenues shall be used for the acquisition, construction, operation, maintenance and repair (to include renewal, replacement and improvement) of the city's water system. To the extent that the fees collected may not be sufficient to properly meet the expenses of the water system, the cost of same may be paid from other city funds as may be determined by the council, but the council may order the reimbursement of such funds if additional water funds are collected thereafter. The fees collected by virtue of this chapter shall not be used for general or other governmental purposes of the city except to pay for the equitable share of the cost of accounting, management, and other administrative costs attributable to the water system.

(Ord. 740 § 3 Att. B (part), 2003)

12.03.050 - Calculation of water utility fee.

The monthly water utility fee shall be the sum of the charges for water consumption, standby fire service, installation of new or changed services, standpipe service, and hydrant meter usage, as applicable.

(Ord. 740 § 3 Att. B (part), 2003)

12.03.055 - Initiation of utility service.

Utility service will not be initiated for a new account, for a new account holder, or for the reinstatement of an existing account in which service has been terminated, without a written request from the account holder providing information deemed necessary by the finance director and the payment of a deposit, if any, in an amount and under terms and conditions determined by the council.

(Ord. 740 § 3 Att. B (part), 2003)

12.03.060 - Billings and collection.

- A. The water utility fee shall be billed and collected with the monthly city utility bill. The bill shall be paid twenty calendar days after the end of the billing month.
- B. Partial payments on utility bills shall be allocated on a prorated basis to each utility balance due.
- C. If full payment for a utility bill is not received within forty-five days after the end of the billing month, a late fee in an amount determined by the council shall be charged. If a utility bill is not paid in full sixty days after the end of the billing month, the account becomes delinquent and water service to that account shall be terminated by the city after providing a fifteen-day written notice. It shall not be resumed until all fees and charges are brought current or until the account holder enters into a payment plan agreement with the finance director.
- D. Any charge due hereunder which is not paid may be recovered from the account holder in an action at law by the city.
- E. The water utility fee shall be due when the account holder receives water service. An unpaid water utility fee shall be a lien on the property of the owner and may be foreclosed in any manner provided by ORS 223.505 to 223.650 or other applicable laws.

(Ord. 740 § 3 Att. B (part), 2003)

12.03.061 – Water curtailment authority during water supply shortage

- A. When the director determines that a critical water supply shortage threatens the ability of the city to deliver essential water to its customers, the director may activate emergency measures in compliance with the City's "Water Management and Conservation Plan" adopted by Resolution. The Water Management and Conservation Plan describes two stages of water supply shortages, that may be declared by the director and a third stage that may be declared by the City Manager and City Council, under conditions set forth in that plan.
- B. Upon declaration of a stage 2 water supply shortage by the director:
1. No watering or irrigation of lawns, grass, or turf shall occur unless it is in accordance with the City adopted irrigation schedule.
 2. No use of city-supplied water shall be allowed to clean, fill or maintain water levels in decorative streams, ponds, or fountains, except when they have a recirculating water system and/or support aquatic life.
 3. No use of city-supplied water shall be used to fill swimming pools or hot tubs, except for children's wading pools.
 4. No use of city-supplied water shall be allowed to wash down sidewalks, driveways, parking lot areas or similar exterior cleaning uses except when necessary for public health or safety.
 5. No use of city-supplied water shall be allowed to wash vehicles except facilities equipped with water re-circulation, or if required for public health/safety, or required by law.
 6. No hydrant or pipeline flushing shall occur except in emergencies.
 7. No hydrant meters shall be used.
- C. The City Manager shall have authority, under the conditions described in the Water Management and Conservation Plan to take actions described in that plan.

12.03.065 - Termination of water service.

- A. The public works director may terminate water service in accordance with subsection B of this section under any of the following circumstances:
1. When the utility bill for the water service is delinquent as defined in Section 12.03.060(C).
 2. When the installation of an approved backflow device is required by OAR 333-061-0070 or the Oregon Specialty Plumbing Code and no such device is installed.
 3. When a test of a backflow device is required by OAR 333-061-0070 or the Oregon Specialty Plumbing Code and such test is not made or is made and fails.
 4. When the facility served by the water service is occupied prior to a certificate of occupancy being issued.

5. When the facility served by the water service does not comply with the provisions of the city of Troutdale construction standards for public works facilities.
 6. When the facility served by the water service does not to comply with a condition of approval as issued by the city council, planning commission, or site and design review committee.
 7. When the facility served by the water service does not comply with the city's pretreatment program as described in Chapter 12.07 or with the provisions of a wastewater discharge permit issued thereunder.
 8. When the facility served by the water service is improperly connected to the water or sewer system or is connected to the water or sewer system without obtaining the required approvals or without paying the required fees and charges.
 9. When an account receiving water service is terminated and a new account is not established.
- B. Water service may be terminated after providing the account holder with a fifteen-day written notice explaining the reason for the termination. An account holder who believes the termination notice is in error may submit a written appeal to the city manager at least five days prior to the noticed termination date. The appeal must clearly state the location of the water service, the alleged reason water service is being terminated, and why the reason for termination is in error. The city manager shall issue a written decision within five days after receipt of the appeal or, if a more thorough investigation is warranted or a policy issue must be referred to the city council, suspend the termination action until a decision is rendered. If water service is terminated, it shall not be resumed until the reason for termination is cured and any applicable administrative fees are paid.

(Ord. 740 § 3 Att. B (part), 2003)

(Ord. No. 801, § 1, 1-11-2011)

12.03.070 - Administration.

- A. The public works director shall be responsible for the administration of this chapter (except for the billing and collection of funds), to include the development of administrative procedures, maintenance programs, capital improvements, operations and maintenance standards, and related activities.
- B. The finance director shall be responsible for the billing and collection of funds.

(Ord. 740 § 3 Att. B (part), 2003)

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 12.03 OF THE TROUTDALE MUNICIPAL CODE, WATER SYSTEM.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City's Water Management and Conservation Plan (Plan) was prepared by GSI Water Solutions, Inc in August 2016 and approved by the Oregon Water Resources Department (OWRD) on August 11, 2016.
2. Section 4 of the Plan includes the City's water curtailment plan.
3. The water curtailment plan is intended to identify proactive measures the City may take to reduce demand during water supply shortages of varying intensity to ensure water supply for public health and safety.
4. In order to implement the water curtailment plan approved by OWRD, it is necessary to establish legal authority.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. Chapter 12.03 of the Troutdale Municipal Code, Water System, is hereby amended to read as set forth in Attachment A.

YEAS:
NAYS:
ABSTAINED:

Doug Daoust, Mayor

Date

Sarah Skroch, City Recorder

Adopted:

Resolution #

Chapter 12.03 - WATER SYSTEM*

Sections:

12.03.010 - Title.

This chapter shall be entitled "Water System."

(Ord. 740 § 3 Att. B (part), 2003)

12.03.020 - Intent and scope.

- A. Pursuant to the statutes of the state of Oregon and the powers granted in the Charter of the city, the council declares its intent to acquire, own, construct, reconstruct, improve, equip, operate, maintain and repair a water system within the city limits, and outside the city limits when consistent with city policy, intergovernmental agreements, and state law.
- B. The council finds, determines and declares the necessity of providing for the city's water system by the formation of a water utility.

(Ord. 740 § 3 Att. B (part), 2003)

12.03.025 - Requirements and prohibitions.

- A. Anytime a new or replacement structure that needs a source of running water, or an expansion of an existing structure, when either the existing or expanded structure needs a source of running water, is developed on property in the city, the owner of the property is required to connect such structure to the public water system at the owner's expense unless the property is more than one thousand feet from the nearest adequate public water main.
- B. It is unlawful for any person to take water from the public water system of the city without prior authorization or without obtaining the proper permits and payment of appropriate fees and charges.
- C. It is unlawful to allow waste of city water by knowingly or negligently causing, authorizing or permitting water in excess of the reasonable volume necessary for a beneficial use to escape from its intended beneficial use into any river, creek, natural watercourse, depression, storm sewer, street, highway, road, or ditch.
- D. For the purpose of this section: "beneficial use" means the lawful and reasonable efficient use of water.

(Ord. 740 § 3 Att. B (part), 2003)

12.03.030 - Establishment of a water utility fee.

There is established a water utility fee to be paid by each account holder of the water system. Such fee may include charges for water consumption, standby fire service, installation of new or changed service, standpipe service, and hydrant meter usage. Such fees shall not be imposed in amounts greater than that which is necessary, in the judgment of the council, to provide sufficient funds to properly acquire, construct, reconstruct, improve, equip, operate, maintain and repair the city's water system. The council, by resolution, shall establish the amount of the fee and may, from time to time, by resolution change the amount of the fee.

(Ord. 740 § 3 Att. B (part), 2003)

12.03.040 - Use of water utility fee.

There is established a water fund, and all water utility fees collected by the city shall be paid into the water fund. Such revenues shall be used for the acquisition, construction, operation, maintenance and repair (to include renewal, replacement and improvement) of the city's water system. To the extent that the fees collected may not be sufficient to properly meet the expenses of the water system, the cost of same may be paid from other city funds as may be determined by the council, but the council may order the reimbursement of such funds if additional water funds are collected thereafter. The fees collected by virtue of this chapter shall not be used for general or other governmental purposes of the city except to pay for the equitable share of the cost of accounting, management, and other administrative costs attributable to the water system.

(Ord. 740 § 3 Att. B (part), 2003)

12.03.050 - Calculation of water utility fee.

The monthly water utility fee shall be the sum of the charges for water consumption, standby fire service, installation of new or changed services, standpipe service, and hydrant meter usage, as applicable.

(Ord. 740 § 3 Att. B (part), 2003)

12.03.055 - Initiation of utility service.

Utility service will not be initiated for a new account, for a new account holder, or for the reinstatement of an existing account in which service has been terminated, without a written request from the account holder providing information deemed necessary by the finance director and the payment of a deposit, if any, in an amount and under terms and conditions determined by the council.

(Ord. 740 § 3 Att. B (part), 2003)

12.03.060 - Billings and collection.

- A. The water utility fee shall be billed and collected with the monthly city utility bill. The bill shall be paid twenty calendar days after the end of the billing month.
- B. Partial payments on utility bills shall be allocated on a prorated basis to each utility balance due.
- C. If full payment for a utility bill is not received within forty-five days after the end of the billing month, a late fee in an amount determined by the council shall be charged. If a utility bill is not paid in full sixty days after the end of the billing month, the account becomes delinquent and water service to that account shall be terminated by the city after providing a fifteen-day written notice. It shall not be resumed until all fees and charges are brought current or until the account holder enters into a payment plan agreement with the finance director.
- D. Any charge due hereunder which is not paid may be recovered from the account holder in an action at law by the city.
- E. The water utility fee shall be due when the account holder receives water service. An unpaid water utility fee shall be a lien on the property of the owner and may be foreclosed in any manner provided by ORS 223.505 to 223.650 or other applicable laws.

(Ord. 740 § 3 Att. B (part), 2003)

12.03.061 – Water curtailment authority during water supply shortage

- A. When the director determines that a critical water supply shortage threatens the ability of the city to deliver essential water to its customers, the director may activate emergency measures in compliance with the City's "Water Management and Conservation Plan" adopted by Resolution. The Water Management and Conservation Plan describes two stages of water supply shortages, that may be declared by the director and a third stage that may be declared by the City Manager and City Council, under conditions set forth in that plan.
- B. Upon declaration of a stage 2 water supply shortage by the director:
 - 1. No watering or irrigation of lawns, grass, or turf shall occur unless it is in accordance with the City adopted irrigation schedule.
 - 2. No use of city-supplied water shall be allowed to clean, fill or maintain water levels in decorative streams, ponds, or fountains, except when they have a recirculating water system and/or support aquatic life.
 - 3. No use of city-supplied water shall be used to fill swimming pools or hot tubs, except for children's wading pools.
 - 4. No use of city-supplied water shall be allowed to wash down sidewalks, driveways, parking lot areas or similar exterior cleaning uses except when necessary for public health or safety.
 - 5. No use of city-supplied water shall be allowed to wash vehicles except facilities equipped with water re-circulation, or if required for public health/safety, or required by law.
 - 6. No hydrant or pipeline flushing shall occur except in emergencies.
 - 7. No hydrant meters shall be used.
- C. The City Manager shall have authority, under the conditions described in the Water Management and Conservation Plan to take actions described in that plan.

12.03.065 - Termination of water service.

- A. The public works director may terminate water service in accordance with subsection B of this section under any of the following circumstances:
 - 1. When the utility bill for the water service is delinquent as defined in Section 12.03.060(C).
 - 2. When the installation of an approved backflow device is required by OAR 333-061-0070 or the Oregon Specialty Plumbing Code and no such device is installed.
 - 3. When a test of a backflow device is required by OAR 333-061-0070 or the Oregon Specialty Plumbing Code and such test is not made or is made and fails.
 - 4. When the facility served by the water service is occupied prior to a certificate of occupancy being issued.

5. When the facility served by the water service does not comply with the provisions of the city of Troutdale construction standards for public works facilities.
 6. When the facility served by the water service does not to comply with a condition of approval as issued by the city council, planning commission, or site and design review committee.
 7. When the facility served by the water service does not comply with the city's pretreatment program as described in Chapter 12.07 or with the provisions of a wastewater discharge permit issued thereunder.
 8. When the facility served by the water service is improperly connected to the water or sewer system or is connected to the water or sewer system without obtaining the required approvals or without paying the required fees and charges.
 9. When an account receiving water service is terminated and a new account is not established.
- B. Water service may be terminated after providing the account holder with a fifteen-day written notice explaining the reason for the termination. An account holder who believes the termination notice is in error may submit a written appeal to the city manager at least five days prior to the noticed termination date. The appeal must clearly state the location of the water service, the alleged reason water service is being terminated, and why the reason for termination is in error. The city manager shall issue a written decision within five days after receipt of the appeal or, if a more thorough investigation is warranted or a policy issue must be referred to the city council, suspend the termination action until a decision is rendered. If water service is terminated, it shall not be resumed until the reason for termination is cured and any applicable administrative fees are paid.

(Ord. 740 § 3 Att. B (part), 2003)

(Ord. No. 801, § 1, 1-11-2011)

12.03.070 - Administration.

- A. The public works director shall be responsible for the administration of this chapter (except for the billing and collection of funds), to include the development of administrative procedures, maintenance programs, capital improvements, operations and maintenance standards, and related activities.
- B. The finance director shall be responsible for the billing and collection of funds.

(Ord. 740 § 3 Att. B (part), 2003)



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: A resolution approving the annexation of approximately 2 acres of real property (Land Use File No. 16-014 Holder Tract Annexation) and adopting findings.

MEETING TYPE:
City Council Regular Mtg.

MEETING DATE: October 25, 2016

STAFF MEMBER: Chris Damgen
DEPARTMENT: Planning

ACTION REQUIRED
Resolution

PUBLIC HEARING
Yes

ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:

Approval – Planning Commission (Public Hearing 10/12/16)

STAFF RECOMMENDATION: Approve the motion with conditions of approval.

EXHIBITS: A: Applicant Narrative and Land Use Application (dated 8/31/16)
B: Staff Report – Given to Planning Commission for 10/12/16 public hearing
C: Planning Commission – Findings from 10/12/16 public hearing

Subject / Issue Relates To:

☐ Council Goals

☐ Legislative

☒ Other

Issue / Council Decision & Discussion Points:

- ◆ Ensuring compliance with the Comprehensive Land Use Plan (Criteria 1)
- ◆ Ensuring that inclusion of the territory in the City would be consistent with the purpose served by the City. (Criteria 2)

Reviewed and Approved by City Manager:

BACKGROUND:

This annexation is an owner-initiated Type IV quasi-judicial land use procedure. The property owners are Lillian and Richard Holder (27510 SE Sweetbriar Road). These Applicants have filed for annexation with the City of Troutdale. No other development proposal or land use applications are included with this file, though the Applicants are intending to connect into City water and sewer infrastructure to obtain service for the property. Annexation is required when City services (sewer and water) are needed. The property is currently developed with a single-family residential dwelling and is accessed via a shared driveway on a curved area of SE Sweetbriar Road.

The property to be annexed consists of one tax lot (1S3E01DB-07000 and 1S3E01C- 00900). The property is on the east side of SE Sweetbriar Lane and to the south of SE Cochran/ Sweetbriar Roads. The parcel directly to the south of the applicants' property will remain a part of the unincorporated area of Multnomah County. The property as described above will hereby be termed the affected territory.

The affected territory is located within the Troutdale/ Multnomah County Urban Planning Area (UPA) and is within the Urban Growth Boundary (UGB). The County adopted the City plan and zoning designations on properties within the UPA through an Intergovernmental Agreement (IGA) between Multnomah County and the City, which was adopted in 2002. The affected territory is designated Low Density Residential and is zoned R-10 Single Family Residential.

Aside from the property to the south, the property is surrounded by single-family residential land uses and zoning within the City of Troutdale. The unincorporated property to the south is within Troutdale's Urban Planning Area (UPA), in which the City has zoning and development jurisdiction through an intergovernmental agreement with Multnomah County. Both the property in question and the property to the south are zoned R-10 in the UPA and are single-family residential in terms of land use.

The Applicant had a pre-application meeting with Staff in March 2016. The Applicant submitted materials in late August 2016 and the application was deemed complete on August 31, 2016. The Oregon Department of Land Conservation & Development (DLCD) and Metro were notified in proper timeframes, consistent with their requirements. A Notice of Application and Public Hearing ("Notice") was posted on the City's website, City Hall, and Planning & Building Offices on September 7, 2016. A public notice was placed on the property on September 12, 2016, and nearby property owners were mailed notices in September 2016. The period to provide testimony for the Staff Report closed on October 3. No public testimony was received during the public comment period.

The staff report submitted to the Planning Commission dated October 5, 2008 (Exhibit B) covers the applicable annexation criteria, which are from the Troutdale Development Code (TDC) and inclusion of the territory within the City must be found consistent with the boundary change criteria of the Metropolitan Service District (METRO) Annexation Code (MC):

TDC 6.010(A) The proposal conforms to the Comprehensive Land Use Plan, or substantial changes in conditions have occurred which render the Comprehensive Land Use Plan inapplicable to the annexation.

TDC 6.010(B) Inclusion of the territory within the City would be consistent with the purpose served by the City.

MC 3.09.050(d): An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

- d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities & services.
- e. Any applicable comprehensive plan.

The Planning Commission met on October 12, 2016, and voted unanimously to recommend approval of the annexation and adopted Findings of Fact and a Recommendation for the Council's consideration (Exhibit C).

PROS & CONS:

Pros:

- Helps to support the goals of the Comprehensive Plan, specifically Goal 14. Goal 14 lists six policies for urbanization, one of which states: "Annex those areas within the City's [Urban Planning Area] when services are requested" [Page 66]. This application is an example of a request for services.
- By means of annexation, a city's zoning ordinances can be extended to adjacent areas in logical manner, thus helping to assure orderly growth.
- Annexation can protect, or enhance, a city's tax base and developable land area.

Cons:

- Interest in annexation may be limited to a select group of citizens.

SUMMARY:

The options available to the City Council on an annexation request are spelled out in State law, Troutdale Development Code Chapter 6.000, and MC 3.09.050(d).

- A. Council may approve the annexation application as recommended by the Planning Commission. The resolution as now drafted may be revised to reflect any testimony or discussion before the Council. If so, the Council may find it appropriate to direct staff to prepare revised findings for the resolution to bring back to Council to be adopted at the next meeting.
- B. Council may deny the annexation application and direct staff to prepare a resolution with findings for denial based upon the Council's discussion leading them to conclude that the annexation should be denied. If this is the Council's action, staff recommends that the matter be set over to consider the revised resolution.

RECOMMENDATION:

Staff recommends Option A, which is consistent with the Planning Commission's recommendation. A draft Resolution has been prepared for the Council's consideration based upon Option A.

Current Year Budget Impacts ☐ Yes (describe) ☐ N/A

Future Fiscal Impacts: ☒ Yes (describe) ☐ N/A

- A. *First Year:* Once annexed, property taxes from the affected territory will be allocated to the City of Troutdale.
- B. *Future Years:* The property is zoned for single family dwellings. The City will gain additional tax revenues from future development of the property. However, there will also be offsetting costs to the City in providing the full range of urban services.

City Attorney Approved N/A ☐ Yes

Community Involvement Process: ☒ Yes (describe) ☐ N/A

Public notification given at the site and mailings to surrounding properties. Public hearing held at Planning Commission meeting on October 12, 2016.

Narrative
For:
Annexation Petition
Troutdale, Oregon

August 11th, 2016

Applicant/Owner:

Contact: Lillian Holder
27510 SE Sweetbriar Rd.
Troutdale, OR 97060
Phone: (503) 314-7872
Email: holderli@aol.com

Representative:

Dom Liserre
Ray Moore, P.E., P.L.S.
All County Surveyors & Planners, Inc.
P.O. Box 955
Sandy, OR 97055
Phone: 503-668-3151
Fax: 503-668-4730
Email: dom@allcountysurveyors.com
raym@allcountysurveyors.com

Job No. 16-130

Table of Contents

Exhibit A	Project Narrative
Exhibit B	8.5" x 11" map of property
Exhibit C	Approval Criteria

Exhibit A

Project Narrative

Project Narrative

The affected property is specifically described as Tax Lot 7000 on Multnomah County Assessor's Map 1S3E01DB totaling 2 acres. The applicant and owner of the property is Lillian Holder. The property is completely within the Urban Growth Boundary. The property is zoned UPAR-10 (Urban Planning Area - Residential). There is currently a dwelling built near the center of the property, with street access to Sweetbriar Road. The driveway is partially paved, and is partially gravel. The street address is 27510 SE Sweetbriar Rd. The property is 2.00 acres. There is an ingress and egress easement over the most easterly 20 feet for access to the property directly to the South.

The purpose of the proposed annexation is to gain access to the City services. Currently, the Troutdale City Limits border 3 sides of the territory in question. The territory is not in the 100 year floodplain, and has no natural water features. The Multnomah County Assessor has a current tax assessed value of \$289,350.

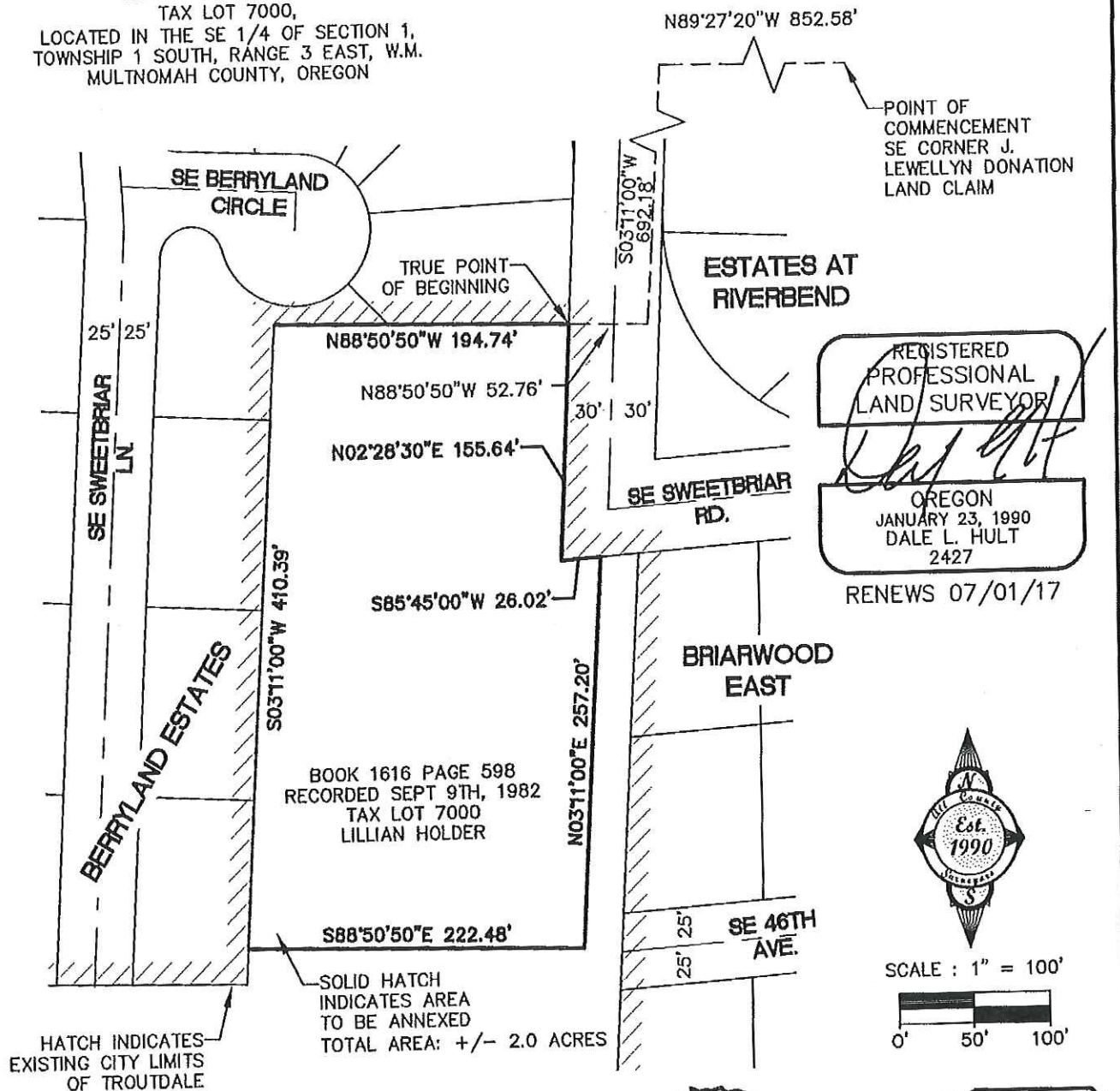
Exhibit B

Map of Property

CLIENT: LILLIAN HOLDER

ANNEXATION PETITION FOR:
LILLIAN HOLDER

TAX LOT 7000,
LOCATED IN THE SE 1/4 OF SECTION 1,
TOWNSHIP 1 SOUTH, RANGE 3 EAST, W.M.
MULTNOMAH COUNTY, OREGON



NOTE:
THIS MAP IS DESIGNED FOR AN ANNEXATION PETITION. NO CORNER MARKERS WERE SET AND THE LOCATION DATA SHOWN IS BASED ON EXISTING PLATS, SURVEYS AND DEEDS. THE PURPOSE OF THIS MAP IS TO SHOW THE LOCATION OF THE PROPOSED TERRITORY TO BE ANNEXED. NO LIABILITY IS ASSUMED BY ALL COUNTY SURVEYORS & PLANNERS FOR ANY USE OF THE DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES. THIS MAP SHOULD NOT BE CONSIDERED AS A BOUNDARY SURVEY UNDER O.R.S. CHAPTERS 92 AND 209.

All County
Surveyors & Planners, Inc.
Surveying, Planning
and Civil Engineering
P.O. Box 955 Sandy, OR 97055
Phone: (503) 668-3151
Fax: (503) 668-4730
Subject to General Conditions 2006 ©

16-133 Annexation.dwg
DATE OF PLOT: 8/15/16



All County Surveyors & Planners, Inc.

PO Box 955

• Sandy, Oregon 97055 •

Phone: 503-668-3151 •

Fax: 503-668-4730

Exhibit "A"

LEGAL DESCRIPTION FOR AN ANNEXATION TO THE City of Troutdale

August 15th, 2016

A tract of land situated in the Southeast one-quarter of Section 1, Township 1 South, Range 3 East, of the Willamette Meridian, in the County of Multnomah and State of Oregon, more particularly described as follows:

COMMENCING at the Southeast corner of the J. Lewellyn Donation Land Claim; thence North 89°27'20" West along the South line of said Lewellyn Donation Land Claim, a distance of 852.58 feet; thence South 3°11'00" West a distance of 692.18 feet; thence North 88°50'50" West a distance of 52.76 feet to a point in the West line of Sweetbriar Road and the POINT OF BEGINNING of the tract herein to be described; thence North 88°50'50" West a distance of 194.74 feet to a corner in that tract to be described in deed recorded January 9, 1957 in Book 1824 page 173, Deed Records; thence South 3°11'00" West a distance of 410.39 feet; thence South 88°50'50" East a distance of 222.48 feet to an iron rod; thence North 3°11'00" East a distance of 257.20 feet to an iron rod in the South line of Sweetbriar Road; thence South 85°45'00" West along said South line a distance of 26.02 feet to an angle point; thence North 02°28'30" East along the West line of Sweetbriar Road, a distance of 155.64 feet to the point of beginning.

Said tract also being Tax Lot 7000 of Assessor Map 1S3E1DB.



RENEWAL DATE: 12/31/16

Affiliated: Professional Land Surveys of Oregon • American Congress of Surveying and Mapping

Exhibit C

Approval Criteria

6.000 ANNEXATION

6.010 Annexation Criteria. A proposal to annex territory to the City shall be conducted under the Type IV procedure with supplements or modifications required to comply with state law. When an annexation proposal has been initiated and the Director has determined the territory is eligible for annexation, it shall be referred to the Planning Commission. The Commission shall base its recommendation to the City Council on whether the following criteria have been met:

A. The proposal conforms to the Comprehensive Land Use Plan, or substantial changes in conditions have occurred which render the Comprehensive Land Use Plan inapplicable to the annexation.

Many of the goals of the Comprehensive Land Use Plan are not applicable. The annexation meets generally meets those that do apply. Specifically, it meets Goals 1, 2, 6, 10, and 14.

B. Inclusion of the territory within the City would be consistent with the purpose served by the City.

Inclusion of the territory within the City would further the City purposes to control the extension of utility services to this site.

Metro Code 3.09.050(d)

Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria identified in subsection (D) and includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;

Water and sanitary services are available from SE Sweetbriar Road which abuts the property.

2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

The affected territory will not withdraw from any other necessary party.

3. The proposed effective date of the boundary change.

??



Multnomah County, Oregon

multco.us

**Department of Community Services
Land Use Planning and Transportation
Program**

1600 SE 190th Ave.

Portland, OR 97233

Ph 503.988.3043

Fax 503.988.3389

Email: land.use.planning@multco.us

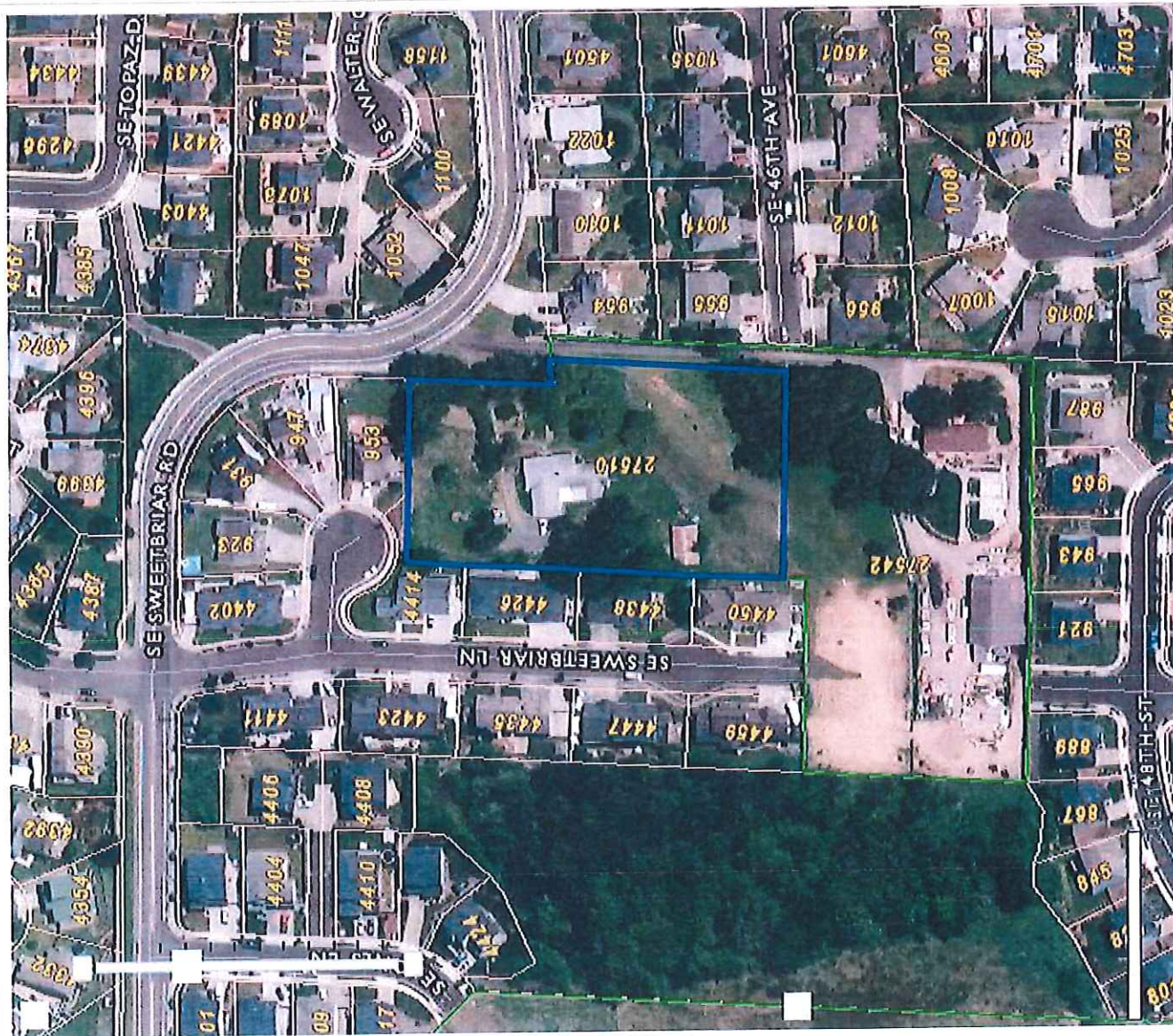
This map is based on data from non county sources.

This map is not printed to scale and should not be used for measurement.

Multnomah County cannot accept responsibility for errors, omissions or positional accuracy. There are no warranties expressed or implied.

Map Comments:

Enter Map Comments here.

[Web Layout](#)



NOTICE OF A PROPOSED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.:

Received:

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation **at least 35 days before the first evidentiary hearing**. (See [OAR 660-018-0020](#) for a post-acknowledgment plan amendment and [OAR 660-025-0080](#) for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction: **City of Troutdale**Local file no.: **16-036**

Please check the type of change that best describes the proposal:

- ☐ **Urban growth boundary (UGB) amendment** including more than 50 acres, by a city with a population greater than 2,500 within the UGB
- ☐ **UGB amendment** over 100 acres by a metropolitan service district
- ☐ **Urban reserve designation**, or amendment including over 50 acres, by a city with a population greater than 2,500 within the UGB
- ☐ **Periodic review task** – Task no.:
- ☒ **Any other change** to a comp plan or land use regulation (e.g., a post-acknowledgement plan amendment)

Local contact person (name and title): Chris Damgen, Planning Director

Phone: 503-674-7228 E-mail: chris.damgen@troutdaleoregon.gov

Street address: 219 E Historic Columbia River Hwy City: Troutdale Zip: 97060-

Briefly summarize the proposal in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

Annexation of a +/- 2.00 acre parcel surrounded by the City of Troutdale and within the Metro Urban Growth Boundary and the Troutdale Urban Planning Area (IGA with Multnomah County)

Date of first evidentiary hearing: 10/12/2016

Date of final hearing: 10/25/2016

- ☐ This is a revision to a previously submitted notice. Date of previous submittal:

Check all that apply:

- ☐ Comprehensive Plan text amendment(s)
- ☐ Comprehensive Plan map amendment(s) – Change from _____ to _____
Change from _____ to _____
- ☐ New or amended land use regulation
- ☐ Zoning map amendment(s) – Change from _____ to _____
Change from _____ to _____
- ☐ An exception to a statewide planning goal is proposed – goal(s) subject to exception:
- ☒ Acres affected by map amendment: 2

Location of property, if applicable (site address and T, R, Sec., TL): R337239 / 27510 SE Sweetbriar Rd / 97060

List affected state or federal agencies, local governments and special districts: City of Troutdale / Multnomah Co.

NOTICE OF A PROPOSED CHANGE – SUBMITTAL INSTRUCTIONS

1. Except under certain circumstances,¹ proposed amendments must be submitted to DLCD's Salem office at least 35 days before the first evidentiary hearing on the proposal. The 35 days begins the day of the postmark if mailed, or, if submitted by means other than US Postal Service, on the day DLCD receives the proposal in its Salem office. **DLCD will not confirm receipt of a Notice of a Proposed Change unless requested.**

2. A Notice of a Proposed Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of a Proposed Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of a Proposed Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 1 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line "Notice of Proposed Amendment."

Submittals may also be uploaded to DLCD's FTP site at
http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 1 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of a Proposed Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or .xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Text:** Submittal of a Notice of a Proposed Change for a comprehensive plan or land use regulation text amendment must include the text of the amendment and any other information necessary to advise DLCD of the effect of the proposal. "Text" means the specific language proposed to be amended, added to, or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. The notice may be deemed incomplete without this documentation.

7. **Staff report:** Attach any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

8. **Local hearing notice:** Attach the notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable.

9. **Maps:** Submittal of a proposed map amendment must include a map of the affected area showing existing and proposed plan and zone designations. A paper map must be legible if printed on 8½" x 11" paper. Include text regarding background, justification for the change, and the application if there was one accepted by the local government. A map by itself is not a complete notice.

10. **Goal exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.

¹ 660-018-0022 provides:

(1) When a local government determines that no goals, commission rules, or land use statutes apply to a particular proposed change, the notice of a proposed change is not required [a notice of adoption is still required, however]; and

(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review such that the local government cannot submit the proposed change consistent with the 35-day deadline, the local government may submit the proposed change to the department as soon as practicable. The submittal must include a description of the emergency circumstances.

<http://www.oregon.gov/LCD/Pages/forms.aspx>

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- ☒ Completed Form 1
- ☐ The text of the amendment (e.g., plan or code text changes, exception findings, justification for change)
- ☐ Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained
- ☒ A map of the affected area showing existing and proposed plan and zone designations
- ☒ A copy of the notice or a draft of the notice regarding a quasi-judicial land use hearing, if applicable
- ☐ Any other information necessary to advise DLCD of the effect of the proposal

Exhibit B

10/25/16 Council Mtg. – Item #8

CITY OF TROUTDALE

PHONE (503) 665-5175 | www.troutdale.info



Staff Report

REPORT DATE: October 5, 2016

HEARING DATE: October 12, 2016

FILE NUMBER / NAME 16-014 Holder Tract

APPLICATION TYPE Type IV – Annexation

PROJECT APPLICANT Lillian & Richard Holder PROPERTY OWNER Same as Applicant

PROJECT LOCATION 27510 SE Sweetbriar Rd TAX MAP / TAX LOT # 1S3E01DB-07000

LAND USE MAP LDR – Low Density Residential LAND USE ACTIVITY Single-Family Detached Dwelling

ZONING DISTRICT R-10 Single-Family Residential OVERLAY DISTRICT None

REQUEST

The Applicant is proposing the **annexation** of the property described above into the City of Troutdale. The Applicant intends to maintain existing zoning district and land use classification designations as currently arranged through an inter-governmental agreement with Multnomah County. The Property is entirely within the Metro Urban Growth Boundary.

PROCEDURE

This application is undergoing a Type IV quasi-judicial procedure. [TDC Sec. 2.120, 6.100 and Ch. 16] This procedure requires a Public Hearing, Planning Commission review, and City Council approval in order to be adopted. Nearby property owners, relevant review entities, and other stakeholders were notified in accordance with TDC sections 16.030 and 16.040. Supplements and modifications to this procedure to comply with state law may be required. [TDC 6.010]

VICINITY MAP



APPLICABLE CRITERIA

Listed below are governing standards that shall apply:

- *City of Troutdale Comprehensive Land Use Plan ("Comp Plan")*
- *Troutdale Development Code [TDC]: Ch. 1* Introductory Provisions; **Ch. 2** Procedures for Decision Making; **Sec. 3.020** R-10 Single-Family Residential; **Sec. 6.000** Annexation; **Ch. 16** Public Deliberations and Hearings
- *City of Troutdale Construction Standards for Public Works Facilities*
- *Metro Code: Ch. 3.09* Local Government Boundary Changes
- Relevant provisions in the Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR)

OVERVIEW

The Applicant has filed for annexation with the City of Troutdale. No other development proposal or land use applications are included with this file, though the Applicant is intending to connect into City water and sewer infrastructure to obtain service for the property. The property is currently developed with a single-family residential dwelling and is accessed via a shared driveway on a curved area of SE Sweetbriar Road.

Aside from the property to the south and its driveway access, the property is surrounded by single-family residential land uses and zoning within the City of Troutdale. The unincorporated property to the south is within Troutdale's Urban Planning Area (UPA), in which the City has zoning and development jurisdiction through an intergovernmental agreement with Multnomah County. Both the property in question and the property to the south are zoned R-10 in the UPA and are single-family residential in terms of land use.

APPLICATION PROCESS

The Applicant had a pre-application meeting with Staff in March 2016. The Applicant submitted materials in late August 2016 and the application was deemed complete on August 31, 2016. The Oregon Department of Land Conservation & Development (DLCD) and Metro were notified in proper timeframes, consistent with their requirements. A *Notice of Application and Public Hearing ("Notice")* was posted on the City's website, City Hall, and Planning & Building Offices on September 7, 2016. A public notice was placed on the property on September 12, 2016, and nearby property owners were mailed notices in September 2016. The period to provide testimony for the Staff Report closed on October 3. Any testimony received between that date and the hearing date will be included at the hearing as exhibits.

REVIEW ENTITY TESTIMONY

Listed below are review entities who received the *Notice*. If the entity provided testimony, they can be found in a corresponding attachment.

Review Entity	Comments	Review Entity	Comments
Planning	See Analysis (Page 3)	Multnomah County Land Use Planning	None Received
Public Works	Attachment 2	Metro	None Received
		Oregon DLCD	None Received

CITIZEN TESTIMONY / OTHER REMARKS (PERIOD ENDING OCTOBER 3, 2016)

A neighbor called the City on September 12, saying she had seen the public notice and to ask for clarification on what type of application was to occur, and if new development was being approved. No formal written testimony was entered.

A neighbor notified Staff on September 25 that several neighbors had not received notification and that the public notice affixed to the sign posted on the property had been detached. Staff responded to the neighbor and followed up by sending the notifications out and re-attaching the public notice to the sign on September 26.

ANALYSIS

The Applicant provided a packet of information (Attachment 1) that included a narrative, the required survey and legal descriptions, and their responses on how they believe their application meets the decision criteria. Staff reviewed the application in consideration of the applicable criteria and testimony provided and offers the following points:

- This property is surrounded by similar types of single-family residential properties and is also designated and zoned to be of the same use based on the City's official maps and its Urban Planning Area Agreement with Multnomah County. Based on discussions with the applicants (who are also the property owners living on the site), there is no intended future development of the property and that access to utilities is the major motivator.
- The Urban Planning Area (UPA) was designed in part to encourage unincorporated properties to annex into the City to obtain services, as the City was or was planning to provide them to adjacent areas. This is an example of the URA and specifically Goal 14 of the Comprehensive Land Use Plan being put to work.
- Decision criteria to be utilized includes provisions from the Troutdale Development Code and Metro Code.

DECISION CRITERIA FROM TROUTDALE DEVELOPMENT CODE [TDC 6.010]

1. **The proposal conforms to the Comprehensive Land Use Plan, or substantial changes in conditions have occurred which render the Comprehensive Land Use Plan inapplicable to the annexation.**

FINDING: Annexation of this particular property is relatable to several goals in the Comprehensive Land Use Plan ("Comp Plan"). Goal 14 (Urbanization) in particular is relevant. Goal 14 lists six policies for urbanization, one of which states: "Annex those areas within the City's [Urban Planning Area] when services are requested [Page 66]. This application is an example of a request for services. As such, the criterion is met.

2. **Inclusion of the territory within the City would be consistent with the purpose served by the City.**

FINDING: As one of its primary services it offers, the City of Troutdale provides high quality water, sanitary sewer, and wastewater services to properties within the incorporated areas. Through Goal 14 policy, the services are also provided to continuous unincorporated properties in order to facilitate an orderly annexation into the City if and when it is requested. As such, the criterion is met.

DECISION CRITERIA FROM METRO CODE [3.09.050.D]

To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (d) and (e) of section 3.09.045, which are as followed:

The [boundary] change is consistent with expressly applicable provisions in:

- d. **Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities & services.**

FINDING: The current Public Facilities Plan was adopted in May 2014. Public Works Staff has provided commentary on this application and has met with the applicants to discuss tie-in procedures and system development charges. This annexation petition is consistent with the Plan and thus the criterion is met.

- e. **Any applicable comprehensive plan.**

FINDING: See the Findings associated with the Troutdale Development Code. The criterion is met.

STAFF RECOMMENDATION

Upon review of the Decision Criteria for Annexations outlined in Section 6.010 of the Troutdale Development Code, and Chapter 3.09 of the Metro Code, **Staff recommends approval** of this annexation petition, subject to compliance with the Conditions of Approval outlined in the draft Findings of Fact & Recommendation. (Attachment 3)

ATTACHMENTS

1. Application Packet from the Applicant (contains narrative, survey, legal description, and approval criteria replies)
2. Public Works Comments
3. Findings of Fact & Recommendation for City Council

Date: October 3, 2016

To: Chris Damgen, Planning Director

CC: File

Steve Gaschler, Public Works Director

David Schaffer, Water & Streets Superintendent

Greg McIntire, Wastewater Superintendent

From: Travis Hultin, Chief Engineer *TH*

RE: Type IV Annexation Review, Holder Annexation (File No. 16-014)

The Public Works Department has reviewed the Type IV submittal for the Holder Annexation. These comments are divided into two categories: general comments and proposed conditions. General comments are informational points to guide the applicant in the proper planning of public works infrastructure for this project, to inform the applicant of possible extraordinary issues and/or to provide the basis for findings. Proposed conditions are requirements that Public Works recommends be formally imposed on the developer in the final order. Note that references to the "City Standards" herein refer to the *Construction Standards for Public Works Facilities*.

General Comments/Findings

1. Any and all utility and transportation plans submitted with this application have been reviewed for the purpose of determining the feasibility of providing utility and transportation facilities for the property in accordance with City Standards. This land use approval does not constitute final approval of details, including but not limited to alignments, materials and points of access, connection or discharge, that are depicted or suggested in the application. The applicant is required to submit detailed construction drawings and/or plat drawings for the project, as applicable. The City of Troutdale Public Works Department will review plans, in detail, when they are submitted and approve, reject or require modifications to the plans or drawings based upon conformance with City Standards, the TDC and the professional engineering judgment of the Chief Engineer.
2. It is the opinion of the Public Works Department that the proposed Annexation can be implemented in accordance with the requirements of the Troutdale Development Code (as it pertains to Public Works requirements) and Construction Standards, provided it fully addresses the comments and conditions contained herein, and can be approved.
3. There are no extraordinary traffic impacts anticipated on City streets from this annexation. Future redevelopment of the property may generate additional traffic impacts, and additional transportation related requirements may apply at the time of such future redevelopment. Any transportation related requirements associated with the County road system shall be as determined by the County. Access permits to the County road for the property are the purview of the County. The geometry of the property and relation to adjacent stub streets may not lend itself to proper street connections at the

time of future redevelopment. The owner should examine this carefully and consider property line adjustments to facilitate development when planning for redevelopment in the future.

4. There are public storm sewer mains in the vicinity of the site. Storm water management can be sufficiently addressed on the site at the time of future redevelopment. Connection and/or discharge to the stormwater system in the County road is the purview of the County.
5. The subject property is part of the City's Urban Planning Area and has been considered in the development of the City's Water, Sewer and Stormwater Master Plans. Public Works foresees no concerns with providing utility service to the existing home on the property. However, the Sanitary Sewer master plan does identify anticipated downstream capacity issues in sanitary sewer collection system Basin C, which serves the subject lands. Future redevelopment of this property that results in a significant increase in demand may require resolution of the identified capacity limitations, depending on timing. The City's capital improvement plan includes a future project (SA-056) to resolve these anticipated capacity limitations, currently designated long term due to cost. The City has sufficient sanitary sewer treatment capacity to accommodate development of the lands proposed for annexation, both now and for future redevelopment.
6. Existing water and sewer service are readily available on the Sweetbriar Road frontage of the site. A single residential water service stub was extended to the site's Sweetbriar Road frontage when the respective water main was installed, in anticipation of future annexation and future connection of the property. The City has sufficient water supply and distribution facilities to serve the property. Future redevelopment of the site may require extensions of the water distribution system, to be determined at that time.
7. A sanitary sewer main is readily accessible on the site's frontage, but the owner will be responsible for installing a lateral to this main when sewer service is desired or required. Additionally, connection to the City sewer will require decommissioning of the existing septic system on site in accordance with DEQ requirements. Future redevelopment of the site may require extensions of the sanitary sewer collection system, to be determined at that time.
8. The owner is not required to connect the existing home to water and sewer service upon annexation, but will be required to connect if a new structure is built on the property or the existing structure(s) is expanded. The owner may elect to connect to water and sewer prior to that, which requires a Public Works Permit, a Utility Connection Application, and payment of applicable water and sewer SDC's and other associated fees. Water and Sewer SDC's are required only upon connection to those respective systems.
9. Transportation, Stormwater, and Parks SDC's are applicable to all residences within the City. The owner must pay these SDC's following completion of annexation. See proposed condition 1.

Proposed Conditions

1. The owner shall pay applicable Transportation, Storm Water and Parks SDC's within thirty calendar days of completion of Annexation.

Exhibit C

10/25/16 Council Mtg. – Item #8



CITY OF TROUTDALE

PHONE (503) 665-5175 | www.troutdale.info

Findings of Fact & Recommendation

FILE NUMBER / NAME **16-014 Holder Tract**

APPLICATION TYPE	Type IV – Annexation		
PROJECT APPLICANT	Lillian & Richard Holder	PROPERTY OWNER	Same as Applicant
PROJECT LOCATION	27510 SE Sweetbriar Rd	TAX MAP / TAX LOT #	1S3E01DB-07000
LAND USE MAP	LDR – Low Density Residential	LAND USE ACTIVITY	Single-Family Detached Dwelling
ZONING DISTRICT	R-10 Single-Family Residential	OVERLAY DISTRICT	None

REQUEST

The Applicant is proposing the *annexation* of the property described above into the City of Troutdale. The Applicant intends to maintain existing zoning district and land use classification designations as currently arranged through the Urban Planning Area under an intergovernmental agreement with Multnomah County (City of Troutdale: Resolution 1364). The Property in Question is entirely within the established Metro Urban Growth Boundary.

PROCEDURE

This application has undergone a Type IV quasi-judicial procedure. [TDC Sec. 2.120, 6.100 and Ch. 16] This procedure required a Public Hearing, Planning Commission review, and City Council approval in order to be adopted. Nearby property owners, relevant review entities, and other stakeholders were notified in accordance with TDC sections 16.030 and 16.040, Metro Code, and governing state statutes and administrative rules.

APPLICABLE CRITERIA

Listed below are governing standards that were applied:

- *City of Troutdale Comprehensive Land Use Plan ("Comp Plan")*
- *Troutdale Development Code [TDC]: Ch. 1 Introductory Provisions; Ch. 2 Procedures for Decision Making; Sec. 3.020 R-10 Single-Family Residential; Sec. 6.000 Annexation; Ch. 16 Public Deliberations and Hearings*
- *City of Troutdale Construction Standards for Public Works Facilities*
- *Multnomah County – Troutdale Urban Planning Area Agreement (1998)*
- *Metro Code: Ch. 3.09 Local Government Boundary Changes*
- Relevant provisions in the Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR)

FINDINGS OF FACT

The Troutdale Planning Commission hereby finds the following in this matter:

1. The Affected Territory is generally described as Tax Lot 7000 on Multnomah County Tax Assessor's Map 1S3E01DB, totaling two (2) acres, more or less as specifically described in attached in the map (page 5 of 7) and legal description (exhibit A of the map), both contained within Exhibit B of the Applicant Packet as prepared by All County Surveyors & Planners, Inc.

2. Pursuant to Troutdale Development Code (TDC) Section 6.010, the proposal for annexation of the Affected Territory to the City of Troutdale was conducted as a Type IV Quasi-Judicial procedure. The Director determined that the Affected Territory is eligible for annexation, as it is entirely within the Metro Urban Growth Boundary.
3. Pursuant to TDC Section 6.030, the current Comprehensive Land Use Plan Map designation of Low Density Residential, and the Zoning District Map designation of R-10 Single-Family Residential was adopted by Multnomah County through an Urban Planning Area Agreement with the City of Troutdale, and no map changes are necessary.
4. Pursuant to TDC Section 16.030:
 - a. A public hearing was held before the Troutdale Planning Commission on October 12, 2016 to consider annexation of the Affected Territory into the City of Troutdale.
 - b. Notice of the hearing was mailed to property owners within 250 feet of the Affected Territory and to necessary parties as defined by Metro Code.
 - c. Notice of the hearing was posted on the Affected Territory on Sweetbriar Road frontage.
 - d. Notice of the hearing was posted at City Hall, at the Building Planning offices, and on the City website.
 - e. There was testimony (...)
5. Pursuant to TDC Section 6.010, the following findings are made with regards to the decision criteria:

(A) The proposal conforms to the Comprehensive Land Use Plan, or substantial changes in conditions have occurred which render the Comprehensive Land Use Plan inapplicable to the annexation.

FINDING: Annexation of this particular property is relatable to several goals in the Comprehensive Land Use Plan ("Comp Plan"). Goal 14 (Urbanization) in particular is relevant. Goal 14 lists six policies for urbanization, one of which states: "Annex those areas within the City's [Urban Planning Area] when services are requested [Page 66]. This application is an example of a request for services. As such, the criterion is met.

(B) Inclusion of the territory within the City would be consistent with the purpose served by the City.

FINDING: As one of its primary services it offers, the City of Troutdale provides high quality water, sanitary sewer, and wastewater services to properties within the incorporated areas. Through Goal 14 policy, the services are also provided to contiguous unincorporated properties in order to facilitate an orderly annexation into the City if and when it is requested. As such, the criterion is met.
6. Pursuant to Metro Code Section 3.09.050(d), the annexation is consistent with the City-County Urban Planning Area Agreement of 1998; is consistent with the City's Public Facilities Plan; is consistent with the City's Comprehensive Land Use Plan; is consistent with the Metro Regional Framework and Functional Plans; will promote the timely, orderly, and economic provisions of public facilities and services; and is consistent with other applicable criteria for annexation under state and local laws. Upon annexation, the City of Troutdale Public Works, Multnomah County Sheriff's Office, Gresham Fire & Emergency Services, and the Gresham-Barlow School District will provide urban services to the Affected Territory. Upon annexation, the Affected Territory will be de-annexed from Fire District #10.

RECOMMENDATION

Based upon the foregoing, the Troutdale Planning Commission hereby recommends to the Troutdale City Council approval of the annexation of approximately 2 acres of real property (Affected Territory) generally identified as Tax Lot 7000 on Multnomah County Tax Assessor's Map 1S3E01DB and the abutting Sweetbriar Road right-of-way.

ADOPTED THIS 12th DAY OF OCTOBER 2016



Tanne Staffenson, Planning Commission Chair

RESOLUTION NO.

A RESOLUTION APPROVING THE ANNEXATION OF APPROXIMATELY 2 ACRES OF REAL PROPERTY (LAND USE FILE NO. 16-014 HOLDER TRACT ANNEXATION) AND ADOPTING FINDINGS

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The affected territory is specifically described as Tax Lot 7000 on Multnomah County Tax Assessor's Map 1S3E01DB totaling 2 acres, more or less, as specifically described in attached Exhibit A "Legal Description for an Annexation to the City of Troutdale" prepared by All County Surveyors & Planners, Inc. The affected territory is mapped in attached Exhibit B, also prepared by all County Surveyors & Planners, Inc.
2. Pursuant to Troutdale Development Code 6.010 Annexation Criteria, the proposal for annexation of the affected territory to the City of Troutdale was conducted as a Type IV Quasi-Judicial procedure:
 - a. The Director determined that the affected territory is eligible for annexation, as it is entirely within the Urban Growth Boundary.
 - b. A public hearing was held before the Troutdale Planning Commission on October 12, 2016, to consider annexation of the affected territory into the City of Troutdale, and the Planning Commission recommends approval of annexation of the Affected Territory.
 - c. A public hearing on the annexation application was held before the Troutdale City Council on October 25, 2016.
3. Pursuant to Troutdale Development Code 6.030 Designation of Annexed Property, the current land use Plan map designation of Low Density Residential and zoning district map designation of R-10 Single Family Residential was adopted by Multnomah County through an IGA with the City of Troutdale, and no map changes are necessary.
4. Pursuant to Troutdale Development Code 16.030 Notice of Hearing and Metro Code 3.09.030 Uniform Notice Requirements; notices were provided for the October 12, 2016 Planning Commission hearing and the October 25, 2016 City Council hearing.
5. Pursuant to Troutdale Development Code 6.010(A), the proposed annexation conforms to the City of Troutdale Comprehensive Land Use Plan goals and policies.

6. Pursuant to Troutdale Development Code 6.010(8), inclusion of the affected territory within the City of Troutdale is consistent with the purpose served by the City of Troutdale as expressed in Troutdale Comprehensive Land Use Plan Goal #14 Urbanization:
 - a. The annexation provides for the orderly and efficient use of the land.
 - b. Annex those areas within the City's planning area when services are requested. The applicant has expressed a desire to develop the Affected Territory.
 - c. The Affected Territory is within the Troutdale Planning Area as identified in its Urban Planning Area Agreement with Multnomah County.
7. Pursuant to Metro Code §3.09.0SO(d), the annexation is consistent with the City-County Urban Planning Area Agreement of 1998; is consistent with the City's Comprehensive Land Use Plan; is consistent with the Metro Regional Framework and Functional Plans; will promote the timely, orderly and economic provisions of public facilities and services; and is consistent with other applicable criteria for annexation under state and local laws. Upon annexation, the City of Troutdale Public Works, City of Troutdale Police Department, Gresham Fire and Emergency Services, and the Gresham-Barlow School District will provide urban services to the affected territory.
8. The affected territory lies within Multnomah County R.F.P.D. #10. Upon annexation, the affected territory will be withdrawn from R.F.P.D. #10. Gresham Fire and Emergency Services will provide fire service to the affected territory under its contract with the City of Troutdale.
9. Upon annexation, the City of Troutdale Public Works, Multnomah County Sheriff's Office, Gresham Fire & Emergency Services, and the Gresham-Barlow School District will provide urban services to the Affected Territory.

**NOW, THEREFORE, BE IT (RESOLVED/ORDAINED) BY THE COUNCIL
OF THE CITY OF TROUTDALE**

Section 1. Annexation. Based on these findings, the affected territory consisting of 2 acres specifically described in Exhibit A 'Legal Description of Affected Territory' and as mapped in Exhibit B 'Map of Affected Territory,' is hereby annexed into the corporate limits of the City of Troutdale.

Section 2. Withdrawal from Rural Fire Protection District No. 10 on the effective date of the annexation.

Section 3: Effective Date: This resolution shall be effective immediately.

YEAS:

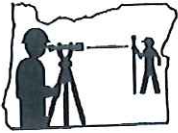
NAYS:

ABSTAINED:

Doug Daoust, Mayor

Date

Sarah Skroch, City Recorder
Adopted:



All County Surveyors & Planners, Inc.

PO Box 955

Sandy, Oregon 97055

Phone: 503-668-3151

Fax: 503-668-4730

Exhibit "A"

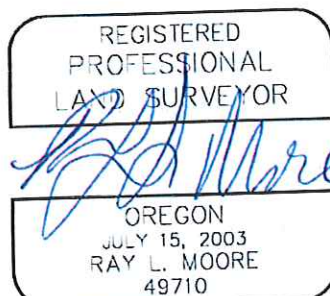
LEGAL DESCRIPTION FOR AN ANNEXATION TO THE City of Troutdale

August 15th, 2016

A tract of land situated in the Southeast one-quarter of Section 1, Township 1 South, Range 3 East, of the Willamette Meridian, in the County of Multnomah and State of Oregon, more particularly described as follows:

COMMENCING at the Southeast corner of the J. Lewellyn Donation Land Claim; thence North 89°27'20" West along the South line of said Lewellyn Donation Land Claim, a distance of 852.58 feet; thence South 3°11'00" West a distance of 692.18 feet; thence North 88°50'50" West a distance of 52.76 feet to a point in the West line of Sweetbriar Road and the POINT OF BEGINNING of the tract herein to be described; thence North 88°50'50" West a distance of 194.74 feet to a corner in that tract to be described in deed recorded January 9, 1957 in Book 1824 page 173, Deed Records; thence South 3°11'00" West a distance of 410.39 feet; thence South 88°50'50" East a distance of 222.48 feet to an iron rod; thence North 3°11'00" East a distance of 257.20 feet to an iron rod in the South line of Sweetbriar Road; thence South 85°45'00" West along said South line a distance of 26.02 feet to an angle point; thence North 02°28'30" East along the West line of Sweetbriar Road, a distance of 155.64 feet to the point of beginning.

Said tract also being Tax Lot 7000 of Assessor Map 1S3E1DB.



RENEWAL DATE: 12/31/16

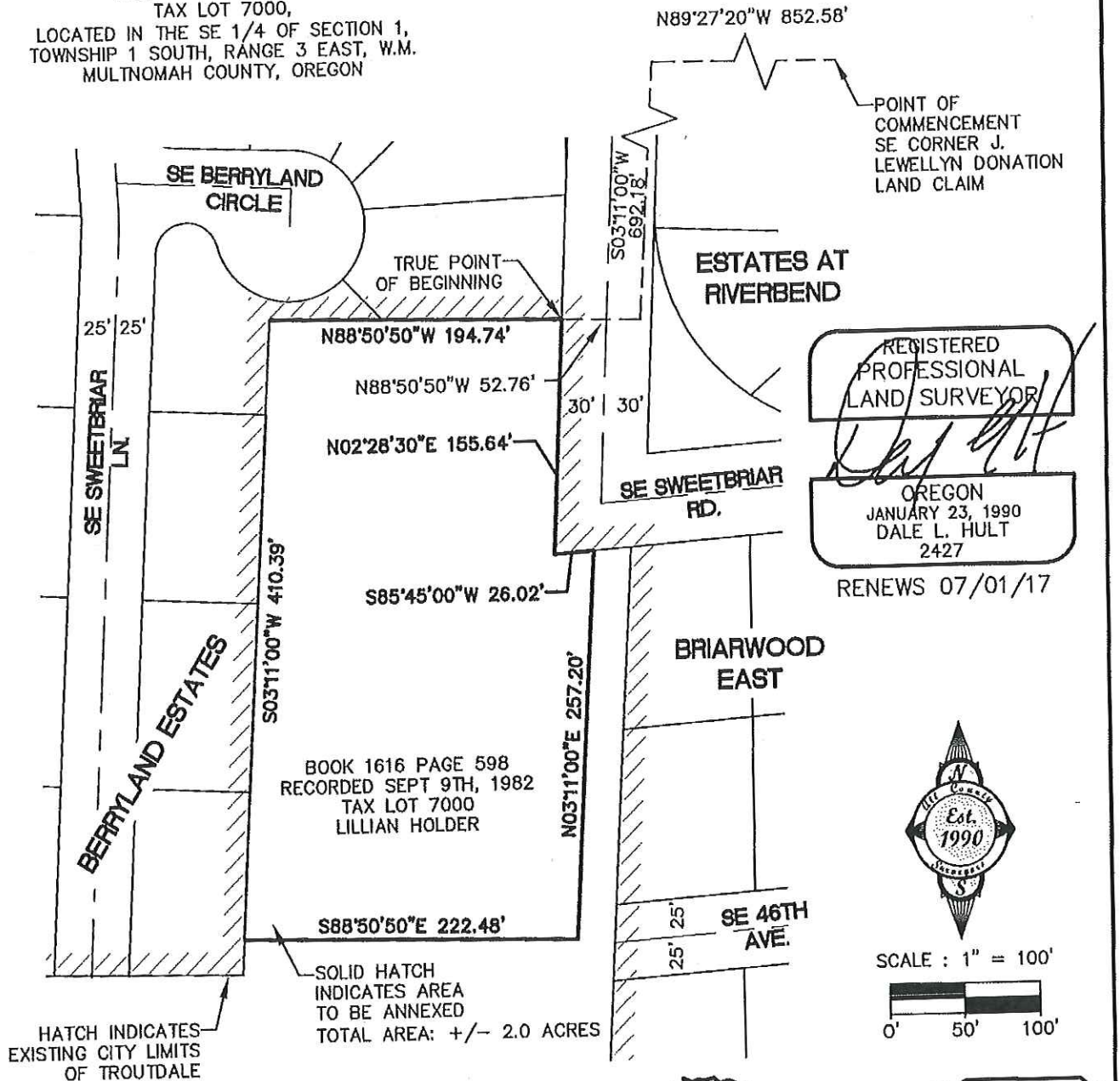
Exhibit B

Map of Property

CLIENT: LILLIAN HOLDER

ANNEXATION PETITION FOR:
LILLIAN HOLDER

TAX LOT 7000,
LOCATED IN THE SE 1/4 OF SECTION 1,
TOWNSHIP 1 SOUTH, RANGE 3 EAST, W.M.
MULTNOMAH COUNTY, OREGON



NOTE:
THIS MAP IS DESIGNED FOR AN ANNEXATION PETITION. NO CORNER MARKERS WERE SET AND THE LOCATION DATA SHOWN IS BASED ON EXISTING PLATS, SURVEYS AND DEEDS. THE PURPOSE OF THIS MAP IS TO SHOW THE LOCATION OF THE PROPOSED TERRITORY TO BE ANNEXED. NO LIABILITY IS ASSUMED BY ALL COUNTY SURVEYORS & PLANNERS FOR ANY USE OF THE DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES. THIS MAP SHOULD NOT BE CONSIDERED AS A BOUNDARY SURVEY UNDER O.R.S. CHAPTERS 92 AND 209.

All County
Surveyors & Planners, Inc.
Surveying, Planning
and Civil Engineering
P.O. Box 955 Sandy, OR 97055
Phone: (503) 668-3151
Fax: (503) 668-4730
Subject to General Conditions 2006 ©

16-133 Annexation.dwg
DATE OF PLOT: 8/15/16



CITY OF TROUTDALE

STAFF REPORT



SUBJECT / ISSUE: A resolution approving the Procedures for the Recruitment and Selection of the City Manager in compliance with ORS 192.660(7)(d).

MEETING TYPE:

City Council Regular Mtg.

MEETING DATE: October 25, 2016

STAFF MEMBER: Erich Mueller

DEPARTMENT: Personnel Officer

ACTION REQUIRED

Resolution

**ADVISORY COMMITTEE/COMMISSION
RECOMMENDATION:**

Not Applicable

PUBLIC HEARING

Yes

STAFF RECOMMENDATION: After the public hearing approve the proposed resolution.

- EXHIBITS:**
- A. City Manager Recruitment and Selection Procedures
 - B. City Manager Position Profile
 - C. City Manager Salary Survey and Recruitment Range
 - D. Prothman Timetable
 - E. City Manager Job Description

Subject / Issue Relates To:

☐ Council Goals

☐ Legislative

☒ Other: **Administrative transition**

City Manager Recruitment and Selection Procedures

Issue / Council Decision & Discussion Points:

- ◆ Adoption of hiring procedures following an opportunity for the public to comment, are necessary under Oregon law in order for the Council to hold an executive session for the purpose of considering the employment of the new City Manager (ORS 192.660(2)(a) and ORS 192.660(7)(d)).

Reviewed and Approved by City Manager:

BACKGROUND:

In order to allow the City Council time to conduct a search for a successor, the City Manager informed the Council of his intention to retire at the end of 2016. At the July 19, 2016 meeting the Council authorized an agreement satisfying the City's existing employer obligations and providing for a smooth transition.

At the August 9, 2016 meeting the Council considered the need for an Interim City Manager and for a successor City Manager. Council decided to defer consideration of an Interim City Manager to a later date.

August 17, 2016 the City published a public Request for Proposal (RFP) for Professional Recruitment Services for the City Manager position. September 13, 2016 the Council selected The Prothman Company (Prothman) proposal to provide recruitment services and authorized staff to negotiated and complete a contract for services.

Recruitment and Selection Procedures

ORS 192.660(7)(d)(D) indicates the City must "adopt hiring standards, criteria and policy directions in meetings open to the public in which the public has had an opportunity to comment on the standards..." in order to allow the Council to go through the manager hiring process in executive session. The City Manager Recruitment and Selection Procedures are attached as Exhibit A for your review and approval.

Position Profile

On October 10, 2016 representatives from Prothman interviewed the current City Manager, met with Department Directors, scheduled interviews with the Mayor and each Councilmember, to get a clear understanding of what the City is looking for in a City Manager. Prothman also held a Public Input on Hiring the Next City Manager meeting for community members that evening. They used that information to create a draft Position Profile. The proposed Position Profile is attached as Exhibit B for your review and approval, as well as the updated job description attached as Exhibit E.

Salary Range

As part of development of the Position Profile a salary survey was conducted and based on the information received they have recommended that we advertise the position with a salary range of \$125,000 to \$145,000 depending on qualifications. The salary survey results are attached as Exhibit C for your review and approval.

Tentative Timeline

The tentative timeline for the recruitment process based on required steps, holiday season, candidate screening and travel arrangements. It is attached as Exhibit D for your review and approval.

Interview Process

Prothman will receive and review the applications submitted and forward to Council for review in executive session semi-finalists candidates for consideration and selection as finalist candidates.

The evening prior to the interviews the finalists, and their spouses, may be invited to attend a social event hosted by the City where members of the interview panels and community leaders will be present. The finalist candidates may be interviewed by up to three interview panels: 1) Mayor and Council; 2) Department Directors and 3) available City Managers from adjacent Cities.

Public Hearing

The public meetings law allows the Council to hold an executive session to consider employment of a chief executive officer if we have met the following: Advertised the position, adopted hiring procedures, hiring standards, criteria and policy directives in a meeting that is open to the public in which the public has had the opportunity to comment. The purpose for conducting interviews in executive session is to preserve confidentiality with the applicants.

Confidentiality of Applicants

It is absolutely necessary, in order to secure highly qualified candidates, to protect the confidentiality of anyone who initially applies for the City Manager position. The names of the applicants must be kept in strictest confidence throughout the selection process until finalist(s) are selected.

SUMMARY:

In order to attract highly qualified candidates the City Council requires an updated procedure for recruitment and selection which will allow for candidate interview confidentiality in executive session. The purpose of the procedure is to establish standards that will guide the process in compliance with ORS 192.660(7)(d) allowing for executive session interviews.

PROS AND CONS:

- A. Approve the proposed resolution providing for a process leading to a timely, appropriate recruitment and allowing for candidate confidentiality until the final interview process.
- B. Not approve the proposed resolution preventing interviewing and confidential consideration of candidates in executive session and potentially complicating and delaying the recruitment process.

Current Year Budget Impacts ☒ Yes (*describe*) ☐ N/A
Recruitment firm fee of \$18,000 plus expenses, and candidate travel expenses

Future Fiscal Impacts: ☐ Yes (*describe*) ☒ N/A

City Attorney Approved ☐ Yes ☒ N/A

Community Involvement Process: ☐ Yes (*describe*) ☒ N/A

CITY OF TROUTDALE CITY MANAGER RECRUITMENT AND SELECTION PROCEDURES

1. EMPLOYMENT OF SEARCH FIRM:

- Based on the expected vacancy of the City Manager position at the end of 2016 the City published a public Request for Proposal (RFP) for Professional Recruitment Services for the City Manager position.
- Council reviewed the five Proposals received and selected The Prothman Company (Prothman) to provide recruitment services.

2. PROFILE DEVELOPMENT:

- On the October 25, 2016 the Council will consider for adoption Recruitment and Selection Procedures, recruitment Position Description, recruitment salary range, and updated job description for the City Manager position.
- The adopted materials will be used by Prothman in providing recruitment services.

3. RECRUITMENT:

- Prothman will provide recruitment services as outlined in their accepted Proposal, which includes gathering stakeholder input for development of the position description, profile development, recruitment and advertising of the position, conduct the search, employing approaches such as direct marketing and networking, in addition to traditional employment platforms.

4. CANDIDATE SCREENING:

- Prothman will conduct initial screening of applicants, including evaluation of qualifications, and screening interviews.

5. INTERVIEWS:

- Prothman will meet with the City Council to review the semi-finalist applications and develop a list of up to the seven top finalist candidates. Council shall meet in Executive Session to review applications and conduct interviews to preserve the confidentiality of applicants.
- Individuals invited for an in person interview will have travel expenses paid by the City in accordance with customary City travel expense policies.

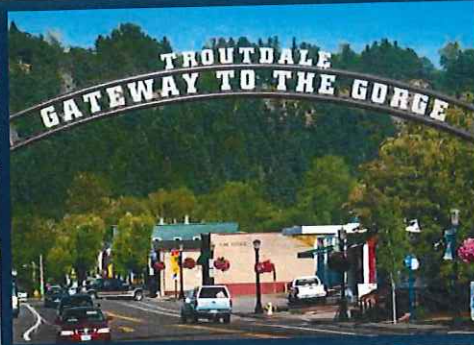
- The final interview process may include:
 - ✓ An interview with representatives of adjacent City Managers.
 - ✓ An interview with City department directors.
 - ✓ An interview with the City Council.
 - ✓ A social event with community members.

6. OFFER OF EMPLOYMENT:

- Prothman will complete reference and background checks on finalist candidates.
- The City Council will meet in executive session to select the finalist and authorize a conditional offer of employment to the finalist (which is conditional on City Council approval at a public meeting) and subject to negotiation of an employment agreement.
- The Council will vote in the open Council Meeting regarding approval of the finalist and the tentative contract.
- Upon final Council approval, the City will enter into an employment contract with the finalist.

7. OTHER CONSIDERATIONS:

- Public Involvement: Citizens will be given an opportunity to review and comment on the process and the standards the City Council will use to review and select candidates.
- Public Input on Hiring the Next City Manager public stakeholder meeting was held October 10, 2016
- Confidentiality: All applicants are assured the strictest confidentiality during the process until they are selected as a finalist. The City Council will meet in Executive Session to review applications and conduct interviews. Members of the Council shall not disclose the names of applicants until a finalist is selected. The City and City Council will honor this commitment of confidentiality to the fullest extent possible while complying with the Oregon Public Records and Meeting Law. Nothing in this procedure shall create liability to the City for breach of confidentiality in the process.
- The City will provide regular updates on the process through news releases and updates on the City's website and other electronic media.
- Nothing in this procedure, in any resolution, or other document shall obligate the City Council to offer the position of city manager to any candidate, select any candidate or person, or appoint any candidate or person to the position of city manager.
- Nothing in this procedure shall prevent the City Council from soliciting input, comments or other information from any group, groups, or the general public concerning the candidates.



**CITY OF TROUTDALE
OREGON**

CITY MANAGER

\$125,000 - \$145,000

Plus Excellent Benefits

Apply by

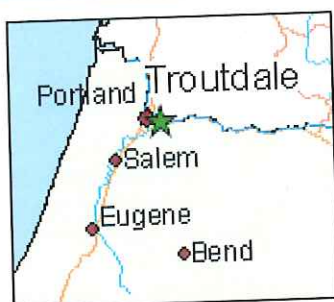
December 11, 2016

(First Review, Open Until Filled)

PROTHMAN



WHY APPLY?



The City of Troutdale, Oregon, is situated in the beautiful Pacific Northwest on the shores of the Columbia River. The area offers a mix of urban areas, rural farmlands and forests. Troutdale is just 100 miles from

the Pacific Coast, with the Cascade Mountain Range, Mt. Hood and the Mount St. Helens National Volcanic Monument less than two hours east. The area offers an abundance of year round recreational opportunities, including sailing, boating, water and snow skiing, hunting, camping, and hiking.

This is an excellent opportunity for an experienced public sector management professional looking to make a difference in an active and growing community. This position offers the right candidate a chance to work with the City Council and dedicated staff to achieve the City's goals and provide outstanding services to its citizens. If you are looking for a challenging and rewarding career opportunity and love the great outdoors, this is the right position for you!



THE COMMUNITY

Located along the I-84 corridor, Troutdale is a thriving and growing community of 16,000 people that sits on the south bank of the Columbia River, 15 miles east of Portland, Oregon. The City is part of Multnomah County, the most populous county in Oregon, and forms part of the Portland metropolitan area.

Known as "The Gateway to the Columbia River Gorge" the city offers residents and visitors year-round recreation, and is widely known for its many tourist attractions including McMenamins Edgefield, a historic downtown, the Columbia Gorge Premium Outlet Mall, and a variety of antique shops.

While Troutdale is largely a bedroom community with the majority of the working population leaving the City during the day, the Troutdale Reynolds Industrial Park (TRIP) contains a general aviation airport, a recently constructed regional sorting center operated by FedEx Ground, the City's largest employer, and has great potential for future redevelopment.

Troutdale's unique location offers unmatched recreation including camping, mountain and road biking, hiking, whitewater kayaking and rafting, golfing, fishing, and world-class skiing, snowboarding, and snowshoeing at nearby Mt. Hood, all with the amenities of a large city nearby.

THE CITY & DEPARTMENT

Incorporated in 1907, the City of Troutdale operates under a Council-Manager form of government. The Troutdale City Council is comprised of a mayor and six council members who set policy that the City Manager implements. Currently there are four City Council positions up for election, including the Mayor's position. As well, one current Council member is a candidate for the Mayor's position, raising the potential for a fifth seat of Council to be filled after the coming election.

The City provides a full range of municipal services including, street construction and maintenance, water, sanitary and storm sewer, parks, land use, planning and zoning, public improvements, municipal court and administrative services. The City contracts for fire service with the City of Gresham, and with the Multnomah County Sheriff's Office for law enforcement services. In 2006 the City established The Urban Renewal Agency of the City of Troutdale, and adopted an urban renewal plan which comprises approximately 48 acres adjacent to downtown Troutdale strategically located adjacent to a freeway interchange and the scenic Sandy River. The City employs approximately 50 employees under the direction of the City Manager, and has a total 2016/2017 budget of approximately \$40.5 million.

THE POSITION

Working under the director of the Mayor and City Council, the City Manager serves as the Chief Administrative Officer of the City and directs the activities and operation of all departments, advises and assists the City Council in the conduct of City business, and provides administrative oversight to the operational and policy functions of City government. The City Manager has overall responsibility for the administrative operation of the City, including developing, recommending and implementing policies, program planning, fiscal management, administration and operations of all City functions and services.

Other responsibilities include:

- Preparing, overseeing and implementing the city budget, as the budget officer, within the guidelines defined by state budget laws, provided however, that the manager may delegate this budget officer authority to the finance director. The city manager shall have authority to freeze or to administratively reduce appropriations within any department as deemed necessary for the proper fiscal management of the city.
 - Executing contracts on behalf of the city to purchase goods and services, as the city's purchasing agent, provided the expenditure is consistent with the council adopted budget.
 - Overseeing the development, implementation and enforcement of city ordinances, resolutions and policies, developing policy recommendations, community goals and city priorities, making or directing studies that are necessary to the internal operations and efficiency of the city, and representing the city in intergovernmental and public relations.
3. Relationships with contract agencies providing services must be nurtured to ensure good performance at a reasonable cost.
 4. The Troutdale Airport is one of the major general aviation facilities in the Portland Metro area operated by the Port of Portland which has recently updated its long range airport plan. The new City Manager will have the opportunity to continue to propel the airport into a healthy position.
 5. The City owns an old City Hall facility which has languished for several years due to structural deficiencies. Currently parts of the City organization are spread among rental commercial space. A path to a final decision on how to use or repurpose the old City Hall is an opportunity.
 6. Revenue challenges in the City are directly related to the health of development. A major challenge is attracting development whose value can spread some of the property tax burden to commercial and industrial users of urban services.
 7. Utility Rates are always a political hot button issue but need to be pegged at rates that support adequate replacement of infrastructure.

IDEAL CANDIDATE

Education and Experience:

- Bachelor's degree in public administration, business administration, public finance or related field from an accredited college or university. A Master's degree is highly desirable.
- Five years of directly related experience at an administrative, management or staff level in municipal government with at least two years as a manager or supervisor.

CHALLENGES & OPPORTUNITIES

1. The TRIP property (Troutdale Reynolds Industrial Park) is one of the last major industrial sites in the Portland Metro area with significant available property. The partnership with the Port of Portland to guide development is a major opportunity.
2. The Urban Renewal District is directed by the City Council and contains 48 acres of prime commercial real estate. There are access issues which are currently a challenge.



- Prior direct experience working with a Council, Board, or Commission is highly desirable.
- Possession of a valid Oregon State driver's license and acceptable driving record, or an acceptable alternative method of transportation which allows the incumbent to perform the duties of the position.

Necessary Knowledge, Skills and Abilities:

- Knowledge of modern municipal management methods and procedures, organizations and functions.
- Knowledge of principles and procedures of strategic business planning and reporting.
- Knowledge of current social, political, and economic trends and operating problems of municipal government.
- Maintain and enhance complex relationships both within and outside the organization.
- Ability to analyze, interpret, summarize, and present administrative and technical information and data in an effective manner.
- Proven senior leadership and management knowledge and skills, including the ability to build trust with employees and with the Council.
- A successful record of working effectively to create positive collaboration on the Council.
- Able to help the Council work through the visioning process to help set realistic goals for the future.
- Excellent skills working collaboratively on intergovernmental issues and solutions
- A good sense of self-worth, not afraid of conflict, and a very capable communicator with the ability to help guide the policy process and manage conflict in a constructive manner.

- Ability to provide excellent customer service. show value in all employees, and be highly visible within the organization.
- Experience working in a complex development environment to ensure that the process is fair, understandable and produces good results.
- Ability to get projects to the finish line, and a history of visionary leadership that is results oriented and entrepreneurial in nature.

Candidates may possess any combination of relevant education and experience that demonstrates their ability to perform the essential duties and responsibilities. The ideal candidate will be committed to excellent customer service.

COMPENSATION & BENEFITS

- **\$125,000 - \$145,000 DOQ**
- Medical, Dental, and Vision Insurance
- 15 Days Vacation
- 10 Holidays + 3 Personal Holidays
- Paid Sick Leave
- 80 Hours Annual Paid Administrative Leave
- Oregon PERS
- Life Insurance and AD&D
- Long Term Disability
- Employee Assistance Program
- Longevity Pay After 5 Years



Please visit
www.troutdaleoregon.gov

The City of Troutdale is an Equal Opportunity Employer. All qualified candidates are strongly encouraged to apply by **December 11, 2016** (first review, open until filled). Applications, supplemental questions, resumes and cover letters will only be accepted electronically. To **apply online**, go to www.prothman.com and click on "submit your application" and follow the directions provided. Resumes, cover letters and supplemental questions can be uploaded once you have logged in. If you are a veteran and wish to request veterans' preference credit, please indicate that in your cover letter, and complete and submit the veterans' preference form posted on the website as instructed on the form.

PROTHMAN

www.prothman.com

371 NE Gilman Blvd., Ste 310
Issaquah, WA 98027
206.368.0050

City Manager

Population	City	Position		Sept-2016 salary	% of TD
8,935	Fairview	City Admin	\$	120,000	86%
11,495	Gladstone	City Admin	\$	123,000	88%
11,910	Cornelius	City Manager	\$	136,236	97%
12,990	St. Helens	City Admin	\$	115,128	82%
16,010	Canby	City Admin	\$	143,547	103%
16,020	Troutdale	City Manager	\$	139,839	100%
18,955	Sherwood	City Manager	\$	131,517	94%
20,485	Milwaukie	City Manager	\$	146,598	105%
21,980	Wilsonville	City Manager	\$	150,000	107%
22,540	West Linn	City Manager	\$	150,557	108%
22,715	Forest Grove	City Manager	\$	143,244	102%
22,765	Newberg	City Manager	\$	140,000	100%

Average: \$ 136,639

AFSCME Contract Comparitor Cities

Recruitment Range: \$125,000 to \$145,000

Draft Recruitment Schedule, City of Troutdale

City Manager

Date	Day	Topic	Meeting
October 31, 2016	Monday	Post profile & start advertising	N/A
December 11, 2016	Sunday	Application Close Date	N/A
Weeks of December 19 & 26, 2016	N/A	Holiday Break, no active recruiting	N/A
Weeks of January 2, 9, & 16, 2017	N/A	Prothman screens applications & interviews top 8 - 15 candidates	N/A
January 31, 2017	Tuesday	Work Session with Council to review semi-finalists and pick finalist	Yes, Bill McDonald, Project Lead in Troutdale
Week of February 13 - 17, 2017	TBD	Final Interview Process, usually includes an evening reception and next day interviews	Yes, Bill McDonald, Project Lead in Troutdale



CITY OF TROUTDAL

City Manager

DEPARTMENT: Executive
SALARY RANGE: Contract

DATE: 09/2016
FLSA: Exempt

Agenda Item 9
Exhibit E
Council Meeting 10-25-2016

PURPOSE OF POSITION:

Under policy direction from the City Council, serves as the Chief Administrative Officer of the City and directs the activities and operation of all departments; advises and assists the City Council in the conduct of City business; provides administrative oversight to the operational and policy functions of City government. The City Manager has overall responsibility for the administrative operation of the City. This may include but is not limited to: developing, recommending and implementing policies, program planning, fiscal management, administration and operations of all City functions and services. The City Manager has administrative responsibility for the development and oversight of the City's budget, operation and policy functions. The incumbent is responsible for accomplishing the City's goals and objectives and for ensuring that the City is in compliance with Federal, State, Regional, and City regulations and mandates.

DUTIES AND RESPONSIBILITIES

(Tasks listed are intended to be descriptive and not restrictive. An employee in this classification may perform any of the tasks listed; however, these examples do not include all the tasks which an employee may be expected to perform.)

ESSENTIAL JOB FUNCTIONS:

Performs all duties and responsibilities expressed in the City of Troutdale Charter including but not limited to the following: **Troutdale Municipal Code: 2.04.010 - Appointment—**

General responsibilities.

- A) *The city manager shall be the principal management position as the appointed administrative officer, responsible to the mayor and council for all city functions. The manager shall be appointed by the council upon the recommendation of the mayor and under the general direction of the mayor shall be responsible for the supervision and coordination of all city departments. The city manager shall serve at the direction and pleasure of the city council.*
- B) *The manager shall be responsible for:*
- 1) *Preparing, overseeing and implementing the city budget, as the budget officer, within the guidelines defined by state budget laws, provided however, that the manager may delegate this budget officer authority to the finance director. The city manager shall have authority to freeze or to administratively reduce appropriations within any department as deemed necessary for the proper fiscal management of the city;*
 - 2) *Appointing and supervising the city's department heads and administering the provisions in Chapter 2.36 as the city's personnel officer, except that the manager shall have no line authority over the municipal judge or city attorney;*
 - 3) *Executing contracts on behalf of the city to purchase goods and services, as the city's purchasing agent, provided the expenditure is consistent with the council adopted budget or policy;*
 - 4) *Overseeing the development, implementation and enforcement of city ordinances, resolutions and policies, developing policy recommendations, community goals and city priorities, making or directing studies that are necessary to the internal operations and efficiency of the city, and representing the city in intergovernmental and public relations; and*
 - 5) *Developing administrative rules that are necessary for the efficient operation of city programs.*

- C) *In processing adopted resolutions and ordinances, the city manager or designee shall not alter the sense, meaning, effect or substance of any ordinance, but with such limitations, may renumber sections and parts of sections, change capitalization for the purpose of uniformity, correct any clerical, typographical or similar non-substantive errors.*
- D) *The city manager shall perform any other duties that are required by this code, ordinance, resolution or the council.*
- E) *The city manager may delegate duties that are required to fulfill the manager's responsibilities but shall remain responsible for these functions as the council appointed officer of the city.*

THE ABOVE DESCRIPTION COVERS THE MOST SIGNIFICANT DUTIES PERFORMED BUT DOES NOT INCLUDE ALL DUTIES THAT MAY BE PERFORMED BY AN EMPLOYEE IN THIS CLASSIFICATION.

JOB SPECIFICATIONS

(These are any combination of education and experience that has provided knowledge, skills and abilities to perform the duties of this position. Prior work experience and educational requirements listed are typical ways of obtaining the required qualifications.)

EDUCATION AND EXPERIENCE:

- a) Five (5) years of directly related experience at an administrative, management or staff level in municipal government with at least two years as a manager or supervisor. Prior direct experience working with a Council, Board, or Commission is highly desirable.
- b) Bachelor's degree in public administration, business administration, public finance or related field from an accredited college or university. A Master's degree is highly desirable.
- c) Or any satisfactory combination of experience and education that provides the knowledge, skills and abilities required to perform the duties and responsibilities of the position.

QUALIFICATIONS:

Knowledge of: Modern municipal administrative/management methods and procedures, organizations and functions; practices, principles and procedures of strategic business planning and reporting; current social, political and economic trends and operating problems of municipal government; applicable federal and state laws, rules and regulations regarding local government operations; principles of effective public relations and interrelationships with community groups and agencies, private businesses and firms and other levels of government; computer skills including Microsoft Office software applications.

Ability to: Communicate effectively, both orally and in writing; provide effective leadership and coordinate the activities of a full service, municipal organization; analyze, interpret, summarize and present administrative and technical information and data in an effective manner; appraise situations and people accurately and quickly and adopt an effective course of action; establish and maintain personal relationships easily while building confidence and trust with others; work as part of an interacting executive team and seek collaboration with others to achieve the group goals; serve effectively as the administrative agent of the City Council; select, supervise, train and evaluate staff.

SPECIAL REQUIREMENTS/LICENSES:

Successfully pass the background checks and screening requirements of the City. Possession of a valid driver's license and acceptable driving record, or an acceptable alternative method of transportation which allows the incumbent to perform the duties of the position.

PHYSICAL DEMANDS OF POSITION:

Typically involves moving materials weighing up to 10 pounds and seldom over 20 pounds. Flow and character of duties require extended visual attention along with manual coordination for at least 60% of the work period.

WORKING CONDITIONS:

(The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable qualified individuals with disabilities to perform the essential functions.)

- d) Work is performed mostly in office setting but with occasional site and field visits.
- e) Evening meetings are required.
- f) Responds at any hour to emergency situations.

SUPERVISORY RESPONSIBILITIES:

Has full scope of management responsibility over department directors and other assigned staff and indirect management responsibility for the rest of staff through the department directors.

SUPERVISION RECEIVED:

This position is an at will employee hired by and operating under the general direction and supervision of the City Council.

The job classification description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the position change.

RESOLUTION NO.

A RESOLUTION APPROVING THE PROCEDURES FOR THE RECRUITMENT AND SELECTION OF THE CITY MANAGER IN COMPLIANCE WITH ORS 192.660(7)(d).

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. That the City Manager has informed the City Council that it is his intention to retire at the end of 2016.
2. That the Council has begun the necessary and desirable process to recruit a successor City Manager.
3. That the Council intends by this Resolution to adopt hiring standards, criteria, policy directives, and a timeline in connection with such recruitment and hiring in compliance with the requirements of ORS 192.660(7)(d) and ORS 192.660(2)(a).
4. That on October 25, 2016 the City Council conducted a public hearing and provided the public an opportunity to comment on the procedures set out in this resolution for the recruiting process of the City Manager and the proposed hiring standards, criteria, policy directives, and timeline.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. The standards, criteria, and policy directives the City will use as a guideline in recruiting and considering City Manager candidates during the selection process will be in substantially conformity to the following Exhibits to Staff Report: Exhibit A. City Manager Recruitment and Selection Procedures, Exhibit B. City Manager Position Profile, Exhibit C. City Manager Salary Survey and Recruitment Range, Exhibit D. Prothman Timetable, and Exhibit E. City Manager Job Description.

Section 2. When the Council is engaged in the steps that involve the discussion and selection for further consideration of individual candidates and the interviewing of candidates, the Council may elect to conduct the discussions and interviews in executive session, subject to the provisions of the Oregon Open Meetings Law. However, the final action on hiring a City Manager will be taken in an open meeting.

Section 3. The City Attorney, Ed Trompke, and Finance Director and City Personnel Officer, Erich Mueller, (each a "City Official") are designated to act jointly and cooperatively, on behalf of and in the best interest of the City consistent with the direction of the City Council, and without further action by the City Council, the City Officials are hereby, authorized, empowered and directed to implement the recruitment process on behalf of the City, and to take any other action as may be advisable, convenient, necessary, or appropriate to give full force and effect to the terms and intent of the resolution, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 4. The Finance Director is authorized to disburse funds, as necessary to fulfill the terms and conditions of the agreement, and is further directed to implement all such actions necessary to ensure budgetary compliance.

Section 5. This Resolution shall take effect immediately upon adoption.

YEAS:
NAYS:
ABSTAINED:

Doug Daoust, Mayor

Date

Sarah Skroch, City Recorder
Adopted: